

# UTAH STATE BULLETIN

OFFICIAL NOTICES OF UTAH STATE GOVERNMENT  
Filed March 16, 2001, 12:00 a.m. through April 2, 2001, 11:59 p.m.

Number 2001-8  
April 15, 2001

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Nancy L. Lancaster, Editor

The *Utah State Bulletin (Bulletin)* is the official noticing publication of the executive branch of Utah State Government. The Department of Administrative Services, Division of Administrative Rules produces the *Bulletin* under authority of Section 63-46a-10, *Utah Code Annotated* 1953.

Inquiries concerning administrative rules or other contents of the *Bulletin* may be addressed to the responsible agency or to: Division of Administrative Rules, PO Box 141007, Salt Lake City, Utah 84114-1007, telephone (801) 538-3218, FAX (801) 538-1773. To view rules information, and on-line versions of the division's publications, visit: <http://www.rules.state.ut.us/>

The information in this *Bulletin* is summarized in the *Utah State Digest (Digest)*. The *Bulletin* and *Digest* are printed and distributed semi-monthly by Legislative Printing. Annual subscription rates (24 issues) are \$174 for the *Bulletin* and \$48 for the *Digest*. Inquiries concerning subscription, billing, or changes of address should be addressed to:

LEGISLATIVE PRINTING  
PO BOX 140107  
SALT LAKE CITY, UT 84114-0107  
(801) 538-1103  
FAX (801) 538-1728

ISSN 0882-4738



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## EDITOR'S NOTES

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### NOTICE OF A PUBLICATION ERROR IN THE APRIL 1, 2001, ISSUE OF THE *UTAH STATE BULLETIN*

In the April 1, 2001, issue of the *Utah State Bulletin* (2001-7, page 9), the DAR number was incorrectly listed for the amendment on R156-3a from Commerce, Occupational and Professional Licensing. The number published was 23350. The correct DAR number for the amendment is 23550.

Questions regarding this error to the *Utah State Bulletin* may be directed to: Nancy L. Lancaster, Publications Editor, Division of Administrative Rules, PO Box 141007, Salt Lake City UT 84114-1007; Phone: (801) 538-3218; FAX: (801) 538-1773; or E-mail: [nlancast@das.state.ut.us](mailto:nlancast@das.state.ut.us).

**End of the Editor's Notes Section**

# SPECIAL NOTICES

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## EXECUTIVE ORDER

**WHEREAS**, there is a need for a state council to facilitate the coordination of services and planning for individuals with developmental disabilities, and for all individuals with disabilities who have needs for similar programs and services regardless of age of onset or cause of disability; and

**WHEREAS**, Public Law 91-157, the Developmental Disabilities Services and Facilities Act of 1970, as revised and amended by Public Law 106-402 (2000), the Developmental Disabilities Assistance and Bill of Rights Act, requires the Governor to designate a state planning council on services and facilities for individuals with developmental disabilities and requires representation on this council from certain classifications of individuals, specifying responsibilities for this council; and

**WHEREAS**, efficiency, economy, and coordination of advisory and planning activities requires the collaboration of such entities to aid the development of a comprehensive system of services for people with disabilities in the State of Utah;

**NOW, THEREFORE, I**, Michael O. Leavitt, governor of the State of Utah, by virtue of the power vested in me by the Constitution and the Laws of the State, hereby constitute a council to be known as the Utah Governor's Council for People with Disabilities, and hereby appoint the following persons to that council:

- (1)(a) the director of Special Education, representing the State Office of Education;
- (b) the director of the Division of Health Care Financing within the Department of Health, representing the Title XIX agency;
- (c) the director of Family Health Services within the Department of Health, representing the Early Intervention Program under IDEA;
- (d) the director of the University Affiliated Program, representing Higher Education;
- (e) the director of the State Office of Rehabilitation, representing Vocational Rehabilitation Services;
- (f) the director of the Division of Services for People with Disabilities within the Department of Human Services, representing the State Developmental Disabilities Program;
- (g) the director of the Division of Aging and Adult Services within the Department of Human Services, representing the Older Americans Program
- (h) the director of the Division of Mental Health within the Department of Human Services, representing mental health services;
- (i) the director of the Disability Law Center, representing the protection and advocacy system; and
- (j) the Superintendent of the Utah Schools for the Deaf and Blind, representing the Utah Schools for the Deaf and Blind.

(2) Members serving on the council shall serve so long as they occupy the indicated position in state government. If their employment in state government in the indicated capacity is terminated, their membership on the Council shall automatically be terminated.

(3) Additional citizen members shall be nominated by the council and appointed by the governor in accordance with Public Law 106-402. These members shall be constituted as follows:

(a) At least sixty percent of the entire council shall consist of individuals with developmental disabilities, parents or guardians of children with developmental disabilities, or immediate relatives or guardians of adults with mentally impairing developmental disabilities who cannot advocate for themselves.

(b) Of the sixty percent indicated in Subsection (3)(a), at least one-third shall be individuals with developmental disabilities, at least one-third shall be parents or guardians or immediate relatives of children or adults with mentally impairing developmental disabilities, at least one-third shall be a combination of individuals described in Subsection (3)(a) and at least one shall be an immediate relative or guardian of an institutionalized or previously institutionalized individual with a developmental disability.

(c) Two members shall be members of the Utah State Legislature, one from each House appointed respectively by the speaker of the House and the president of the Senate.

(4) The citizen and Legislative members shall be appointed for a term of three years, and may be reappointed for one succeeding three year term.

(5) The governor shall appoint the chairperson of the council from among its members.

(6) Additional non-voting members may serve as liaisons and shall be residents of Utah who are representatives of advocacy organizations, provider agencies, or individual advocates for individuals with disabilities.

(7) The council may recommend to the governor names of candidates to fill vacancies on the council. Each such candidate shall meet the requirements specified for the member being replaced.

**IT IS FURTHER ORDERED** that the primary functions of the council shall be as follows:

(1) To advocate for the collective needs of people with disabilities, especially for those with the most significant disabilities.

(2) To facilitate the coordination of services and to plan for people with disabilities.

(3) To identify deficiencies in the statewide service network for people with disabilities and establish and implement initiatives for improving that network.

(4) To develop and recommend to the governor and the Legislature refinements in the definition of individuals with developmental disabilities or who have conditions requiring similar types of programs and services.

(5) To monitor the range, scope, and size of agency programs and evaluate their effectiveness in meeting the needs of people with disabilities, and to make recommendations for changes to better meet the needs of people with disabilities.

(6) To assess the needs of and recommend programs for people with disabilities to the state Office of Rehabilitation Services, the State Office of Education, the state Department of Human Services, the state Department of Health, and other departments of state government.

(7) To develop the Developmental Disabilities State Plan jointly with the Office of Rehabilitation Services, the State Office of Education, the Department of Human Services, the Department of Health, and other departments of state government, monitoring and evaluating the implementation of the plan to promote the accomplishment of its purposes.

(8) To recommend to the governor and the Legislature matters of a policy or budgetary nature which may require executive or legislative action in order to promote the quality of life and guarantee the rights and dignity of people with disabilities.

(9) To issue reports to the governor, the Legislature, agencies of state government, and the Secretary of Health and Human Services, as appropriate.

(10) To meet at least quarterly at a time and place determined at the call of the chairperson. The council may adopt procedures to govern its activities, may provide for the election of a vice-chair, and may recommend for the governor's consideration, the need for additional membership, and a redefinition of the Council functions as they become apparent through council deliberation.

**IT IS FURTHER ORDERED** that staff support for the Council shall be provided from funds made available to the state from the Developmental Disabilities Assistance and Bill of Rights Act, together with other state funds as are required.

**IT IS FURTHER ORDERED** that the executive order issued on February 4, 1994, is hereby superseded.

**IN WITNESS WHEREOF**, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 3rd day of April, 2001.

(STATE SEAL)

**MICHAEL O. LEAVITT**  
Governor

Attest:  
**OLENE WALKER**  
Lieutenant Governor

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**PROCLAMATION**

**WHEREAS**, since the close of the 2001 General Session of the 54th Legislature of the State of Utah, certain matters have arisen which require immediate legislative attention; and

**WHEREAS**, Article VII, Section 6 of the Constitution of the State of Utah provides that the Governor may, by proclamation, convene the Legislature in Extraordinary Session;

**NOW, THEREFORE, I, MICHAEL O. LEAVITT**, Governor of the State of Utah, by virtue of the authority vested in me by the Constitution and the Laws of the State of Utah, do by this Proclamation call the Senate only of the 54th Legislature of the State of Utah into a First Extraordinary Session at the State Capitol in Salt Lake City, Utah, on the 18th day of April, 2001, at 12:00 noon, for the following purpose:

For the Senate to advise and consent to appointments made by the Governor to positions within state government of the State of Utah since the close of the 2001 General Session of the 54th Legislature of the State of Utah.

**IN TESTIMONY WHEREOF**, I have here unto set my hand and cause to be affixed the Great Seal of the State of Utah. Done at the State Capitol in Salt Lake City, Utah, this 3rd day of April, 2001.

(STATE SEAL)

**MICHAEL O. LEAVITT**  
Governor

**OLENE S. WALKER**  
Lieutenant Governor

**NATURAL RESOURCES  
OIL, GAS AND MINING**

**PUBLIC NOTICE  
CORRECTING THE DATE FOR THE PUBLIC HEARING  
FOR THE CHANGE IN PROPOSED RULE ON R645-301-700 (DAR NO. 23387)**

Notice is hereby given that the Division of Oil, Gas and Mining is correcting the date for the public hearing for the change in proposed rule (CPR) on R645-301-700 (DAR No. 23387) which was published in the April 1, 2001, *Utah State Bulletin* (2001-7, page 26). The date published was April 28, 2001, and the correct date is April 25, 2001.

The other information for the CPR is the same so the public hearing will be April 25, 2001, 10:00 a.m., in Suite 1040B, 1594 West North Temple, Salt Lake City, UT.

*Questions may be directed to Ronald Daniels by phone at: (801) 538-5316, by FAX at: (801) 359-3940, or by Internet E-mail at: rdaniels@state.ut.us.*

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**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
COMMUNITY DEVELOPMENT, LIBRARY**

**PUBLIC NOTICE OF AVAILABLE UTAH STATE PUBLICATIONS**

The Utah State Library Division has made available Utah State Publications List No. 01-07, dated March 29, 2001 (<http://www.state.lib.ut.us/01-07.html>). For a copy of the complete list, contact the Utah State Library Division at: 1950 West 250 North, Suite A, Salt Lake City, UT 84116-7901; phone: (801) 715-6777; or the Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; phone: (801) 538-3218; FAX: (801) 538-1773; or view them on the World Wide Web at the address above.

**End of the Special Notices Section**

## NOTICES OF PROPOSED RULES

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A state agency may file a PROPOSED RULE when it determines the need for a new rule, a substantive change to an existing rule, or a repeal of an existing rule. Filings received between March 16, 2001, 12:00 a.m., and April 2, 2001, 11:59 p.m., are included in this, the April 15, 2001, issue of the *Utah State Bulletin*.

In this publication, each PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the PROPOSED RULE is usually printed. New rules or additions made to existing rules are underlined (e.g., example). Deletions made to existing rules are struck out with brackets surrounding them (e.g., ~~example~~). Rules being repealed are completely struck out. A row of dots in the text (••••) indicates that unaffected text was removed to conserve space. If a PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the filing agency or from the Division of Administrative Rules.

The law requires that an agency accept public comment on PROPOSED RULES published in this issue of the *Utah State Bulletin* until at least May 15, 2001. The agency may accept comment beyond this date and will list the last day the agency will accept comment in the RULE ANALYSIS. The agency may also hold public hearings. Additionally, citizens or organizations may request the agency to hold a hearing on a specific PROPOSED RULE. Section 63-46a-5 (1987) requires that a hearing request be received "in writing not more than 15 days after the publication date of the PROPOSED RULE."

From the end of the public comment period through August 13, 2001, the agency may notify the Division of Administrative Rules that it wants to make the PROPOSED RULE effective. The agency sets the effective date. The date may be no fewer than 31 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file a CHANGE IN PROPOSED RULE in response to comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or a CHANGE IN PROPOSED RULE, the PROPOSED RULE filing lapses and the agency must start the process over.

The public, interest groups, and governmental agencies are invited to review and comment on PROPOSED RULES. *Comment may be directed to the contact person identified on the RULE ANALYSIS for each rule.*

PROPOSED RULES are governed by *Utah Code* Section 63-46a-4 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-4, R15-4-5, R15-4-9, and R15-4-10.

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**The Proposed Rules Begin on the Following Page.**

Capitol Preservation Board (State),  
Administration  
**R131-4**  
Procurement of Construction

**NOTICE OF PROPOSED RULE**

(New)

DAR FILE NO.: 23578

FILED: 03/29/2001, 17:11

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Rule R131-4 establishes procedures for the procurement of construction services by the State Capitol Preservation Board as required by Subsection 63C-9-301(4). The rule states that the board shall adopt procurement rules substantially similar to the requirements of Title 63, Chapter 56, Utah Procurement Code.

SUMMARY OF THE RULE OR CHANGE: To provide for the procurement of construction services for the State Capitol.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 63C-9-301

## ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This rule implements requirements for the procurement of construction services which are substantially similar to the rules previously promulgated and enforced by the Division of Facilities Construction and Management (DFCM). Therefore, there is no change in cost or savings to the state budget.

❖LOCAL GOVERNMENTS: This rule implements requirements for the procurement of construction services which are substantially similar to the rules previously promulgated and enforced by DFCM. Therefore, there is no change in cost or savings to the local government.

❖OTHER PERSONS: This rule implements requirements for the procurement of construction services which are substantially similar to the rules previously promulgated and enforced by DFCM. Therefore, there is no change in cost or savings to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: This rule implements requirements for the procurement of construction services which are substantially similar to the rules previously promulgated and enforced by DFCM. Therefore, there is no change in cost or savings to other persons.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There will be no additional fiscal impact by this rule. The Capitol Preservation Board will be essentially adopting DFCM rules.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Capitol Preservation Board (State)  
Administration

123 State Capitol Building  
PO Box 0615  
Salt Lake City, UT 84114-0615, or  
at the Division of Administrative Rules.

## DIRECT QUESTIONS REGARDING THIS RULE TO:

David H. Hart, at the above address, by phone at (801) 538-3074, by FAX at (801) 538-3221, or by Internet E-mail at dhart@cpb.state.ut.us or swhitney@cpb.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: David H. Hart, AIA, Executive Director

**R131. Capitol Preservation Board (State), Administration.****R131-4. Procurement of Construction.****R131-4-1. Purpose and Authority.**

In accordance with the Utah procurement code, this rule establishes procedures for the procurement of construction by the Capitol Preservation Board (Board).

**R131-4-2. Definitions.**

(1) In addition to terms defined in the Utah procurement code:

(a) "Acceptable Bid Security" means either:

(i) A bid bond which meets the requirements of this rule; or  
(ii) A cashier's or certified check.

(b) "Cost Data" means factual information concerning details; including expected monetary values for labor, material, overhead, and other pricing components which the contractor has included, or will include as part of performing the contract.

(c) "Executive Director" means the Executive Director of the Board, including, unless otherwise stated, his duly authorized designee.

(d) "Emergency Condition" means a situation which creates a threat to public safety, health, or welfare that is caused by flood, epidemic, riot, natural disaster, war, etc. that results in/or has the likely potential to result in destruction of property, building or equipment failures; or any other urgent condition proclaimed by an authorized government official.

(e) "Established Market Price" means a current price, resulting from the usual and ordinary course of trade between buyers and sellers, which can be substantiated from sources independent of the manufacturer or supplier.

(f) "Price Data" means factual information concerning prices for supplies, services, or construction substantially identical to those being procured. Prices in this definition refer to offered or proposed selling prices and includes data relevant to both prime and subcontract prices.

(g) "Procuring Agencies" means, individually or collectively, the state, the Board, the owner and a using agency, if any.

(h) "Products" means and includes materials, systems and equipment that are components of a construction project.

(i) "Proprietary Specification" means a specification which uses a brand name to describe the standard of quality, performance,

and other characteristics needed to meet the procuring agencies' requirements.

(j) "Specification" means terms that describe the physical, functional or performance characteristics, of a supply or construction item. It may include requirements for inspecting, testing, or the preparation of supply or construction items for delivery or use in the construction process.

(k) "State" means the State of Utah.

(l) "Subcontractor" means any person who has a contract with any person other than the procuring agency to perform any portion of the work on a project.

(m) "Work" means the furnishing of labor or materials, or both.

### **R131-4-3. Competitive Sealed Bidding.**

(1) General. Competitive sealed bidding, including multi-step sealed bidding, shall be an allowable method for the procurement of construction when a single prime contractor is used. Other methods may be considered as extenuating circumstances occur.

(2) Public Notice to Contractors of Invitations For Bids.

(a) Public notice to contractors of Invitations For Bids shall be publicized in a newspaper having general circulation in the state; and may be publicized in any or all of the following as determined appropriate:

(i) In a newspaper having general circulation in the area in which the project is located;

(ii) In appropriate trade publications;

(iii) By electronic means; or

(iv) By any other method determined appropriate.

(b) A copy of the public notice shall be available for public inspection at the principal office of the Board in Salt Lake City, Utah.

(3) Content of the Public Notice to Contractors for Invitation For Bids. The public notice to Contractors for Invitation For Bids (herein referred to as the "Notice") shall include the following:

(a) The closing time and date for the submission of bids;

(b) The address of the office to which bids are to be delivered;

(c) The address where the bidding documents may be obtained;

(d) A brief description of the project;

(e) Notice of any mandatory pre-bid meetings.

(4) Bidding Time. Bidding time is the period of time between the date of the first publication of the notice and the final date and time set for the receipt of bids by the Board. Bidding time shall be set to provide bidders with reasonable time to prepare their bids, and shall be not less than ten calendar days, unless a shorter time is deemed necessary for a particular project as determined in writing by the Executive Director.

(5) Proposal Form. The bidding documents for an Invitation For Bids shall include a proposal form having a space in which the bid prices shall be inserted and which the bidder shall sign and submit along with all other required documents and materials.

(6) Addenda to the Bidding Documents.

(a) Addenda shall be provided to all entities known to have obtained bidding documents for a project.

(b) Addenda shall be distributed within a reasonable time to allow all prospective bidders to consider them in preparing bids. If the time set for the final receipt of bids will not permit appropriate consideration, the bidding time shall be extended to allow proper

consideration of the addenda. The person responsible for the issuance of bidding documents shall confirm in writing, any addenda communicated to bidders by telephone.

(7) Pre-Opening Modification or Withdrawal of Bids.

(a) Bids may be modified or withdrawn by the bidder by written notice delivered to the place designated in the notice when bids are to be delivered prior to the time set for the opening of bids.

(b) Bid security, if any, shall be returned to the bidder when withdrawal of the bid is permitted.

(c) All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate project file.

(8) Late Bids, Late Withdrawals, and Late Modifications. Any bid, withdrawal of bid, or modification of bid received after the time and date set for the submission of bids at the place designated in the notice shall be deemed to be late and shall not be considered, unless it is the only bid received in which case it may be considered.

(9) Receipt, Opening, and Recording of Bids.

(a) Upon receipt, all bids and modifications shall be stored in a secure place until the time for bid opening.

(b) Bids and modifications shall be opened publicly, in the presence of one or more witnesses, at times and places designated in the notice. The names of the bidders, the bid price, and other information deemed appropriate by the Executive Director shall be read aloud or otherwise made available to the public. After the bid opening, the bids shall be tabulated or a bid abstract made. The name and address of at least one witness shall be recorded in the official minutes of the bid opening meeting. The opened bids shall be available for public inspection.

(10) Mistakes in Bids.

(a) If a mistake is attributable to an error in judgment, the bid may not be corrected. Bid correction or withdrawal by reason of an inadvertent, nonjudgmental mistake is permissible but only at the discretion of the Executive Director and only to the extent it is not contrary to the interest of the Board or the fair treatment of other bidders.

(b) When it appears from a review of the bid that a mistake may have been made, the Executive Director may request the bidder to confirm the bid in writing. Situations in which confirmation may be requested include obvious, apparent errors on the face of the bid or a bid lower than the other bids submitted that appears to have neglected some part of the project.

(c) Mistakes at Bid Opening: The Director shall weigh the types of factors described below in which mistakes in bids are discovered after opening but before award. After the bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the procuring agencies or fair competition shall be permitted. These include:

(i) Minor formalities are matters which, at the discretion of the Board or Executive Director, are found to be of form rather than substance evident from the bid document, or are insignificant mistakes that can be waived or corrected without prejudice to other bidders and with respect to which, in the Executive Director's discretion, the effect on price, quantity, quality, delivery, or contractual conditions is not or will not be significant. The Executive Director may waive minor formalities or allow the bidder to correct them depending on which is in the best interest of the procuring agencies. Examples include the failure of a bidder to:

(A) Sign the bid, but only if the unsigned bid is accompanied by other material indicating the bidder's intent to be bound;

(B) Acknowledge receipt of any addenda to the Invitation For Bids, but only if it is clear from the bid that the bidder received the addenda and intended to be bound by its terms; the addenda involved had a negligible effect on price, quantity, quality, or delivery; or the bidder acknowledged receipt of the addenda at the bid opening.

(ii) A determination by the Executive Director that the mistake and the intended bid are clearly evident on the face of the bid document. The bid shall be corrected to reflect the intent of the bidder, and may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the bid document are typographical errors, errors in extending unit prices, transposition errors, and arithmetical errors.

(iii) Approval to withdraw a low bid if the Executive Director determines a mistake is clearly evident on the face of the bid document but the intended amount of the bid is not similarly evident, or if the bidder submits to the Board proof of evidentiary value which, in the Executive Director's best judgment, clearly and convincingly demonstrates that a mistake in calculation or estimation was made.

(d) No bidder shall be allowed to correct a mistake or withdraw a bid because of a mistake discovered after award of the contract; provided, that mistakes of the types described in this rule may be corrected or the award of the contract canceled if the Executive Director determines that correction or cancellation will not prejudice the interests of the procuring agencies or fair competition.

(e) The Executive Director shall approve in writing, all requests to correct or withdraw a bid, which may be finalized after the receipt of the bidder's written request for correction or withdrawal.

(11) Bid Evaluation and Award. Except as provided below, the contract may be awarded to the lowest responsive and responsive bidder whose bid meets the requirements and criteria set forth in the bidding documents.

(12) Cancellation of Invitations For Bids; Rejection Of Bids in Whole or In Part.

(a) Although issuance of an Invitation For Bids does not compel award of a contract, the Board may cancel an Invitation For Bids or reject bids received in whole or in part when the Executive Director determines that it is in the best interests of the state to do so.

(b) The reasons for cancellation or rejection shall be documented and made a part of the project file and available for public inspection. Any determination of nonresponsibility of a bidder or offeror shall be made by the Executive Director in writing. An unreasonable failure of the bidder or offeror to promptly supply information regarding responsibility may be grounds for a determination of nonresponsibility. Any bidder or offeror determined to be nonresponsive shall be provided with a copy of the written determination within a reasonable time. Information furnished by a bidder or offeror pursuant to any inquiry concerning responsibility shall not be disclosed to the public by the Board without the prior written consent of the bidder or offeror.

#### **R131-4-4. Multi-Step Sealed Bidding.**

(1) Description. Multi-step sealed bidding is a two-phase process. In the first phase, bidders shall submit unpriced technical offers to be evaluated. In the second phase, bidders whose technical

offers are determined to be acceptable during the first phase shall be invited to submit price bids.

(2) Use. Multi-step sealed bidding may be used:

(a) to invite and evaluate technical offers or statements of qualifications to determine their acceptability to fulfill the purchase description requirements;

(b) to conduct discussions of the technical offer, obtain supplemental information or amend technical offers or the purchase description prior to soliciting priced bids; or

(c) to award the contract to the lowest responsive and responsible bidder in accordance with the competitive sealed bidding procedures.

(3) Pre-Bid Conferences In Multi-Step Sealed Bidding. The Board of Executive Director may hold one or more pre-bid conferences prior to the submission of unpriced technical offers or at any time during the evaluation of the unpriced technical offers.

(4) Procedure for Phase One of Multi-Step Sealed Bidding.

(a) Public Notice. Multi-step sealed bidding shall be initiated by a Public Notice to Contractors for Invitation for Bids.

(b) Invitation for Bids. The multi-step Invitation for Bids shall state:

(i) that unpriced technical offers are requested;

(ii) that either price bids are to be submitted at the same time as unpriced technical offers; or in a separate sealed envelope;

(iii) that it is a multi-step sealed bid procurement, and priced bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;

(iv) the criteria to be used in the evaluation of the unpriced technical offers;

(v) that the Executive Director may conduct oral or written discussions of the unpriced technical offers; or

(vi) that bidders may designate those portions of the unpriced technical offers which contain trade secrets or other proprietary data which are to remain confidential. If the Offeror selected for award has requested in writing the non-disclosure of trade secrets and other proprietary data so identified, the Executive Director shall examine the request in the proposal to determine its validity prior to award of the contract. If the parties do not agree as to the disclosure of data in the contract, the Executive Director shall inform the offeror in writing what portion of the proposal will be disclosed and that, unless the offeror withdraws the proposal, it will be disclosed.

(c) Amendments to the Invitation for Bids. After receipt of unpriced technical offers, amendments to the Invitation for Bids shall be distributed only to bidders who submitted unpriced technical offers and they shall be allowed to submit new unpriced technical offers or to amend those submitted. The Executive Director may amend the proposed procurement, cancel the Invitation for Bids in accordance with this rule, and may issue a new Invitation for Bids.

(d) Receipt and Handling of Unpriced Technical Offers. Proposals shall be opened publicly, identifying only the names of the offerors. After the date established for receipt of proposals, a register of proposals shall be open to public inspection and shall include for all proposals the name of each offeror, the number of addenda received, if any, and a description sufficient to identify the item offered. Proposals of the successful offeror shall be open to public inspection for a period of 90 days after award of the contract.

Proposals of offerors who are not awarded contracts shall not be open to public inspection.

(e) Evaluation of Unpriced Technical Offers. The unpriced technical offers submitted by contractors interested in bidding shall be evaluated by an Evaluation Committee selected by the Board, which shall determine a short list of contractors for participation in the second phase. Contractors will be selected according to formula scores of the technical offers, using board criteria. If in the Evaluation Committee's opinion, the variation in scores are so great that the lower scored contractor's qualifications are inferior to those who scored higher, the Evaluation Committee may chose to select a short list of less than eight, but no less than three.

(f) Discussion of Unpriced Technical Offers. Discussion of technical offer may be conducted with the bidder. During the course of discussions, any information derived from one unpriced technical offer shall not be disclosed to any other bidder. Once discussions are begun, only a bidder who has been notified that its technical offer is acceptable and has been short-listed may submit supplemental information modifying or otherwise amending its technical offer until the closing date established by the Executive Director at the request of the Executive Director or upon the bidder's own initiative.

(g) Notice of Unacceptable Unpriced Technical Offer. When the Executive Director determines a bidder's unpriced technical offer to be unacceptable, he shall notify the bidder, who shall not be given an additional opportunity to supplement technical offers.

(5) Mistakes During Multi-Step Sealed Bidding. Mistakes may be corrected or bids may be withdrawn during phase one:

(a) before unpriced technical offers are considered;

(b) after any discussions have commenced under this rule, or

(c) when responding to any amendment of the Invitation for Bids. Otherwise mistakes may be corrected or withdrawal permitted in accordance with this rule.

(6) Carrying Out Phase Two.

(a) Initiation. Upon the completion of phase one, the Executive Director shall either:

(i) open price bids submitted in phase one (if price bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; provided, however, that the offers have remained unchanged, and the Invitation for Bids has not been amended subsequent to the submittal of the bids; or

(ii) invite each acceptable bidder to submit a price bid in accordance to schedule set by the Executive Director.

(b) Conduct. Phase two shall be conducted as any other competitive sealed bid procurement except:

(i) as specifically set forth in this rule ; and

(ii) no public notice will be provided about this invitation to submit.

#### **R131- 4-5. Competitive Sealed Proposals.**

(1) Considerations for Use. Competitive sealed proposals may be used, if:

(a) there may be a need for price and service negotiation;

(b) there may be a need for negotiation during performance of the contract;

(c) the relative skills or expertise of the offerors should be evaluated;

(d) cost is secondary to the characteristics of the product or service sought; or

(e) the conditions of the service, product or delivery conditions are unable to be sufficiently described in the invitation for Bids.

(2) Determinations.

(a) Except as provided in the Utah procurement code, before a contract may be entered into by competitive sealed proposals, the Executive Director shall determine in writing that the use of competitive sealed proposals is more advantageous for state purposes than competitive sealed bidding.

(b) Determinations may be by category of service or construction items. The Executive Director may modify or revoke a determination and may review previous determinations for current applicability at any time.

(3) Public Notice. Public notice of the Request for Proposals shall be given in the same manner provided for giving public notice of an Invitation for Bids, as provided by this rule.

(4) Proposal Preparation Time. Proposal preparation time is the period of time between the date of first publication of the notice and the date and time set for the receipt of proposals by the Board. For each project, a proposal preparation time-frame shall be included to provide offerors a reasonable time to prepare their proposals, not less than ten calendar days, unless a shorter time is deemed necessary.

(5) Form of Proposal. The Request for Proposals may state the manner in which proposals are to be submitted, including any forms for that purpose.

(6) Addenda to Requests for Proposals. Addenda to the requests for proposals may be made in the same manner provided for addenda to the bidding documents in connection with Invitations for Bids by this rule. Addenda may also be issued to qualified proposers after the deadline for proposals and prior to the deadline for best and final offers.

(7) Modification or Withdrawal of Proposals. Proposals may be modified or withdrawn prior to the established due date. For the purposes of this rule, the established due date will be either the date and time announced for receipt of proposals or receipt of modifications to proposals, if any; or if discussions have begun, it is the date and time by which best and final offers must be submitted, provided that only offerors who submitted proposals by the time announced for receipt of proposals may submit best and final offers.

(8) Late Proposals, Late Withdrawals, or Late Modifications: Except for modifications allowed pursuant to negotiation, any proposal, withdrawal, or modification received at the place designated for receipt of proposals after the established due date as defined in this rule shall be deemed to be late and shall not be considered unless there are no other offerors.

(9) Receipt and Registration of Proposals.

(a) Proposals shall be opened publicly, and shall only identify the names of the offerors in public. Proposals and modifications shall be held in a secure place until the established due date. After the date established for receipt of proposals, a register of proposals shall be open to public inspection and shall include for all proposals the name of each offeror, the number of addenda received, if any, and a description sufficient to identify the supply, service, or construction item offered. Prior to award, proposals and modifications shall be shown only to procurement and other officials involved with the review and selection of proposals.

(b) Proposals of the successful offeror shall be open to public inspection after award of the contract. Proposals of offerors who are not awarded contracts shall not be open to public inspection.

(c) If the offeror selected for award has requested in writing the non-disclosure of trade secrets and other proprietary data so identified, the Executive Director shall examine the request in the proposal to determine its validity prior to award of the contract. If the parties do not agree as to the disclosure of data in the contract, the Executive Director shall inform the offeror in writing what portion of the proposal will be disclosed and that, unless the offeror withdraws the proposal, it will be disclosed.

(10) Evaluation of Proposals.

(a) Evaluation Factors in the Request for Proposals. The Request for Proposals shall state all of the evaluation factors and their relative importance including price.

(b) Evaluation. The evaluation shall be based on the evaluation factors set forth in the request for proposals. Numerical rating systems may be used but are not required.

(c) Classifying Proposals. Proposals shall be initially classified as:

(i) Acceptable;

(ii) Potentially acceptable, that is, having the possibility of being made acceptable; or

(iii) Unacceptable. Offerors whose proposals are unacceptable shall be so notified.

(11) Proposal Discussions with Individual Offerors.

(a) "Offerors" means only those persons submitting proposals that are acceptable or potentially acceptable, the number of which may be limited to no less than the two best proposals. This shall not include persons who submitted unacceptable proposals.

(b) Purposes of Discussions. Discussions may be held in order to:

(i) review the procuring agency's requirements and the offerors' proposals; and

(ii) Facilitate the development of a contract that will be most advantageous to the board, taking into consideration price and other evaluation factors listed in the request for proposals.

(c) Conduct of Discussions. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussions and revisions of proposals. There shall be no disclosure of any information derived from proposals submitted by competing offerors. Any oral clarification or change of a proposal shall be reduced to writing by the offeror.

(12) Best and Final Offers. The Executive Director shall establish a common time and date to submit best and final offers. These shall be submitted only once unless the Executive Director makes a written determination before each subsequent round of best and final offers that another round is in the best interest of the state, and additional discussions will be conducted or the requirements may be changed. Otherwise, no discussion of, or changes in the best and final offers shall be allowed prior to award. If offerors do not submit a notice of withdrawal or another best and final offer, their immediate previous offer will be construed as their best and final offer.

(13) Mistakes in Proposals.

(a) Mistakes discovered before the established due date. An offeror may correct mistakes discovered before the time and date established for receipt of proposals by withdrawing or correcting the proposal as provided in this rule.

(b) Confirmation of proposal. When it appears from a review of the proposal before an award is made, that a mistake has been made, the offeror shall be asked to confirm the proposal. If the offeror alleges that a mistake occurred, the proposal may be corrected or withdrawn during any discussions that are held or the conditions listed below, by this rule, are met.

(c) Mistakes discovered after receipt but before award. This subsection defines procedures to be applied in four situations in which mistakes in proposals may be discovered after receipt of proposals but before award.

(i) During discussions; prior to best and final offers. Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may freely correct any mistake by modifying or withdrawing the proposal until the time and date set for receipt of best and final offers.

(ii) Minor formalities. Minor formalities, unless otherwise corrected by an offeror as provided in this section, shall be treated in accordance with this rule.

(iii) Corrections of mistakes. If discussions are not held or if the best and final offers upon which award will be made have been received, mistakes may be corrected and the correct offer considered only if:

(A) the mistakes and the correct offer are clearly evident on the face of the proposal in which event the proposal may not be withdrawn;

(B) the mistake is not clearly evident on the face of the proposal, but the offeror submits proof of evidentiary value which clearly and convincingly demonstrates both the existence of a mistake and the correct offer, and the correction of the mistake would not be contrary to the fair and equal treatment of other offerors.

(iv) Withdrawals of proposals. If discussions are not held, or if the best and final offers upon which award will be made have been received, offeror may be permitted to withdraw a proposal if:

(A) a mistake was made that is clearly evident on the face of the proposal and the intended amount of the offer is not evident; or

(B) the offeror submits proof of evidentiary value which clearly and convincingly demonstrates that a mistake was made that it does not demonstrate the correct offer or, if the correct offer is also demonstrated, to allow correction on the basis the proof provided would not be contrary to the fair and equal treatment of other offerors.

(d) Mistakes discovered after award. A offeror shall be bound to all terms, conditions and statements in offeror's proposal after award of the contract.

(14) Award.

(a) Award Documentation. A written determination shall be made showing the basis on which the award was found to be most advantageous to the state based on the factors set forth in the Request for Proposals.

(b) One proposal received. If only one proposal is received in response to a Request for Proposals, the Executive Director may make an award or, if time permits, resolicit for the purpose of obtaining additional competitive sealed proposals.

(15) Publicizing Awards. After a contract is entered into, notice of award shall be available in the principal office of the Board.

**R131-4-6. Bids Over Budget.**

(1) In the event all bids for a construction project exceed available funds as certified by the appropriate fiscal officer, and the low responsive and responsible bid does not exceed those funds by more than 5%, the Executive Director may, where time or economic considerations preclude resolicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the low responsive and responsible bidder in order to bring the bid within the amount of available funds.

(2) As an alternative to the procedure authorized in (1) above, when all bids for a construction project exceed available funds as certified by the Executive Director, and the Executive Director finds that due to time or economic considerations the re-solicitation of a reduced scope of work would not be in the interest of the state, the Executive Director may negotiate an adjustment in the bid price using one of the following methods:

(a) reducing the scope of work in specific subcontract areas and supervising the re-bid of those subcontracts by the low responsive and responsible bidder;

(b) negotiating with the low responsive and responsible bidder for a reduction in scope and cost with the value of those reductions validated in accordance with this rule; or

(c) revising the contract documents and soliciting new bids only from bidders who submitted a responsive bid on the original solicitation. This re-solicitation may have a shorter bid response time than may have been otherwise required.

(3) The use of one of the alternative procedures provided for in subsection (2) must provide for the fair and equitable treatment of bidders.

(4) The Executive Director's written determination, including a brief explanation of the basis for the decision shall be included in the contact file.

(5) This rule does not restrict in any way, the right of the Executive Director to use any emergency or sole source procurement provisions, or any other applicable provisions of State law or rule which may be used to award the construction project.

**R131-4-7. Small Purchases.**

(1) Procurements of \$100,000 or Less.

(a) The Executive Director may make procurements of construction estimated to cost \$100,000 or less by soliciting at least two firms to submit written quotations.

(b) The names of the persons submitting quotations and the date and amount of each quotation shall be recorded and maintained as a public record by the Board.

(2) Procurements of \$25,000 or Less. The Executive Director may make small purchases of construction of \$25,000 or less in any manner that he shall deem to be adequate and reasonable.

**R131-4-8. Sole Source Procurement.**

(1) Conditions for Sole Source Procurement.

The procedures concerning sole source procurement in this rule may be undertaken if, in the discretion of the Executive Director, a product or service is more reasonably available only from a single source. Examples of circumstances which could also necessitate sole source procurement are:

(a) compatibility of product design, equipment, accessories, or replacement parts is of paramount consideration;

(b) trial use or testing; and

(c) procurement of public utility services.

(2) Written Determination. The determination as to whether a procurement shall be a sole source shall be made by the Executive Director and shall be in writing.

(3) Negotiation in Sole Source Procurement. The Executive Director shall negotiate with the sole source vendor for considerations of price, delivery, and other terms.

**R131-4-9. Emergency Procurements.**

(1) Authority to Make Emergency Procurements.

(a) The Board Executive Director shall make emergency procurements of construction when, in the Executive Director's determination, an emergency condition exists or will exist and the need cannot be met through normal procurement methods.

(b) The competitive sealed bidding process or the request for proposal process shall be considered unsuccessful when all bids received pursuant to an Invitation For Bids are nonresponsive, unreasonable, noncompetitive, or when the low bid exceeds available funds as certified by the appropriate fiscal officer, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids. If an unsuccessful attempt to use competitive sealed bidding occurs, an emergency procurement may be made.

(3) An emergency procurement process may be used to assure that required goods and services are available to meet a given need, and the Executive Director may employ such competitive methods as are practicable and in the best interest of the state.

(6) Specifications. For emergency procurements, the Executive Director may use any appropriate specifications without being subject to the requirements of this rule.

(7) Required Construction Contract Clauses. For emergency procurements, the Executive Director may modify or exclude construction contract clauses otherwise required by this rule.

(8) Written Determination. The Executive Director shall make a written determination stating the basis for each emergency procurement and for the selection of the particular source. This determination shall be included in the project file.

**R131-4-10. Qualifications of Contractors.**

(1) Pre-Bidding Requirements. The following documents must be on file with the Board before the bidding documents for a project may be issued to prospective bidders.

(a) If the type of work involved with the project requires a contractor's license, a photocopy of the bidder's current Utah contractor's license showing date issued, expiration date, bid limit amount or similar restriction, and the class of work for which licensed;

(b) A statement from the bidder's surety stating that it will bond the bidder for an amount at least equal to the estimated cost of the contract as determined by the Executive Director. This requirement can be met by having the surety file an annual statement with the Board showing the bonding limit it has established for the bidder.

(2) A form of surety statement and, when applicable, a form for prequalification, are available at the principal office of the Board.

(3) Project Specific Requirements. The Board may include additional qualification requirements in the bidding documents as may be appropriate for a specific project.

**R131-4-11. Acceptable Bid Security; Performance and Payment Bonds.**

(1) Application. This section shall govern bonding and bid security requirements for the award of construction contracts by the Board in excess of \$50,000; although acceptable bid security and performance and payment bonds may be required on any construction contract regardless of size. Bidding Documents shall state whether acceptable bid security, performance bonds or payment bonds are required.

(2) Acceptable Bid Security.

(a) Invitations for Bids on construction contracts shall require the submission of acceptable bid security in an amount equal to at least five percent of the bid, at the time the bid is submitted. If a contractor fails to accompany its bid with acceptable bid security, the bid shall be deemed nonresponsive, unless this failure is found to be nonsubstantial as hereinafter provided.

(b) If acceptable bid security is not furnished, the bid shall be rejected as nonresponsive, unless the failure to comply is determined by the Executive Director to be nonsubstantial. Failure to submit an acceptable bid security in connection with an Invitation For Bids shall be deemed nonsubstantial where only one bid is received, and there is not sufficient time to rebid the contract.

(3) Payment and Performance Bonds. Payment and performance bonds are required for all contracts in excess of \$50,000, in the amount of 100% of the contract price. These bonds shall cover the procuring agencies and shall be delivered by the contractor to the Board at the same time the contract is executed. If a contractor fails to deliver the required bonds, the contractor's bid shall be found nonresponsive and its bid security shall be forfeited.

(4) Forms of Bonds. Bid Bonds, Payment Bonds and Performance Bonds must be from sureties meeting the requirements of this rule and must be on the exact bond forms most recently adopted by the Board and on file with the Board.

(5) Surety firm requirements. All surety firms must be authorized to do business in the State of Utah and be listed in the U.S. Department of the Treasury Circular 570, Companies Holding Certificates of Authority as Acceptable Securities on Federal Bonds and as Acceptable Reinsuring Companies for an amount not less than the amount of the bond to be issued. A co-surety may be utilized to satisfy this requirement.

(6) Waiver. The Executive Director may waive the bonding requirement if he finds that bonds cannot be reasonably obtained for the work involved, which finding shall be documented in the project files.

**R131-4-12. Methods of Construction Contract Management.**

(1) Application. This section contains provisions applicable to the selection of the appropriate type of construction contract management.

(2) Flexibility. The Executive Director may devise an appropriate construction contract management method for a particular project that will best meet the needs of the Board. The methods outlined in this rule are not an exclusive list.

(3) Selection. The Executive Director shall be expected to consider the results achieved on similar projects in the past and the methods used, other appropriate and effective methods, and how a method could be adapted or combined to meet the needs of the state.

(4) Criteria. Before choosing the construction contracting method, some factors that may be considered include:

(a) when the facility must be ready for occupancy;

(b) the type of project, for example, housing, offices, labs, heavy or specialized construction;

(c) the extent to which the requirements of the occupants are known;

(d) the location of the project;

(e) the size, scope, complexity, and economics of the project;

(f) the amount and type of financing available for the project, including whether the budget is fixed, the source of funding, general or special appropriation, federal assistance moneys, general obligation bonds or revenue bonds;

(g) the availability, qualification, experience, and available time of assigned State personnel to the project;

(h) the availability, experience and qualifications of outside consultants and contractors.

(5) General Descriptions.

(a) Application of Descriptions. The following descriptions are provided for the more common contracting methods. The methods described are not mutually exclusive and may be combined on a project. These descriptions are not intended to be fixed for all construction projects of the State. In each project, these descriptions may be adapted to fit the circumstances of that project.

(b) Single Prime Contractor. The single prime contractor method is typified by one business entity acting as a general contractor with the state to complete an entire construction project in accordance with drawings and specifications provided by the state within a defined time period. Generally the drawings and specifications are prepared by an architectural or engineering firm under contract with the state. Further, while the general contractor may take responsibility for successful completion of the project, much of the work may be performed by specialty contractors with whom the prime contractor has entered into subcontracts.

(c) Multiple Prime Contractors. Under this method, the Board or the Board's agent shall contract directly with a number of specialty contractors to complete portions of the project in accordance with the Board's drawings and specifications. The Board or its agent may have primary responsibility for successful completion of the entire project, or the contracts may provide that one of the multiple prime contractors shall have this responsibility.

(d) Design-Build. In a design-build project, a business entity shall contract directly with the Board to meet requirements described in a set of performance specifications. Both the design and construction responsibilities are assumed by the design-build contractor. This method can include instances where the design-build contractor supplies the site as part of the package.

(e) Construction Manager. A Construction Manager, including a Construction Manager/General Contractor, shall be selected in accordance with the Utah Procurement Code. A construction manager shall be experienced in construction, have the ability to evaluate and to implement drawings and specifications as they affect time, cost, and quality of construction and the ability to coordinate the construction of the project, including the addition of change orders. A contract with a construction manager may be issued early in a project to assist in the development of a cost effective design. The construction manager may be appointed the single prime contractor, or may be required to guarantee that the project will be completed by a specified time, and not to exceed a

specified maximum price. The procurement of a construction manager may be based, among other criteria, on proposals for a management fee which is either a lump sum or a percentage of construction costs with a guaranteed maximum cost or, on proposals for a lump sum or guaranteed maximum cost for the construction of the project. The contract with the construction manager may also provide for a sharing of any savings which are achieved below the guaranteed maximum cost. When entering into any subcontract that was not specifically included in the Construction Manager/General Contractor's cost proposal, the Construction Manager/General Contractor shall procure that subcontractor in accordance with the Utah Procurement Code in the same manner as if the subcontract work was procured directly by the Board.

(f) Sequential Design and Construction. Sequential design and construction is a method whereby design of substantially the entire structure is completed prior to beginning the construction process.

(g) Phased Design and Construction. Phased design and construction is a method whereby construction is begun when appropriate portions have been designed but before design of the entire structure has been completed. This method is also known as fast track construction.

#### **R131-4-13. Cost or Pricing Data and Analysis; Audits.**

(1) Applicability. Cost or pricing data shall be required when negotiating contracts and adjustments to contracts if:

(a) adequate price competition is not obtained as provided in this rule; and

(b) the amounts listed in (3) below are exceeded.

(2) Adequate Price Competition. Adequate price competition for portions of, or entire contracts, occurs when:

(a) a contract is awarded based on competitive sealed bidding;

(b) a contractor is selected from competitive sealed proposals and cost was one of the selection criteria;

(c) a portion of a contract is awarded for a lump sum amount or a fixed percentage of other costs, and the cost of the lump sum or percentage amount is one of the selection criteria, and when contractor selection is made from competitive sealed proposals;

(d) a portion of a contract is awarded for which adequate price competition that was not otherwise obtained when competitive bids were obtained and documented by either the Board or the contractor;

(e) costs are based upon established catalogue prices or market prices;

(f) costs are set by law or rule; or

(g) the Executive Director makes a written determination that other circumstances have resulted in adequate price competition.

(3) Amounts. This section does not apply to:

(a) Contracts or portions of contracts costing less than \$100,000, and

(b) Change orders or other price adjustments of less than \$25,000.

(4) Other Applications: This section may apply to any contract or price adjustment when it is found by the Executive Director to be in the best interest of the state.

(5) Submission of Cost or Pricing Data and Certification. When cost or pricing data is required, the data shall be submitted prior to beginning price negotiation. The offeror or contractor shall keep the data current throughout the negotiations and certify as

soon as practicable after agreement is reached on price that the cost or pricing data submitted are accurate, complete, and current as of a mutually determined date.

(6) Refusal to Submit. If the offeror fails to submit the required data, the Executive Director may disqualify the noncomplying offeror, to defer award pending further investigation, or to enter into the contract. If the matter involves a price adjustment, the Executive Director may further investigate the price adjustment, disallow any price adjustment, or set the amount of the price adjustment.

(7) Defective Cost or Pricing Data. If certified cost or pricing data are subsequently found to have been inaccurate, incomplete, or noncurrent as of the date stated in the certificate, the Board shall be entitled to an adjustment of the contract price to exclude any significant sum, including profit or fee, to the extent the contract sum was increased because of the defective data. It shall be assumed that overstated cost or pricing data resulted in an increase of the contract price in the amount of the defect plus any related overhead and profit or fee; therefore, unless documentation can show that the defective data were not used or relied upon, the price may be reduced by a requisite amount. In establishing that defective data caused an increase in the contract price, the Executive Director shall not be required to reconstruct the negotiation or speculate on the mental attitudes of the negotiating parties if correct data had been submitted at the time of agreement on price.

(8) Audit. The Executive Director may, at his discretion, and at reasonable times and places, audit or cause to be audited the books and records of a contractor, prospective contractor, subcontractor, or prospective subcontractor which are related to the cost or pricing data submitted.

(9) Retention of Books and Records. Any contractor who receives a contract or price adjustment for which cost or pricing data is required shall maintain all books and records that relate to the cost or pricing data for three years from the date of final payment under the contract. This requirement shall also extend to any subcontractors of the contractor.

#### **R131-4-14. Specifications.**

(1) General Provisions.

(a) Purpose. Specifications shall permit maximum practicable competition and accurately describe the project requirements.

(b) Preference for Commercially Available Products. Recognized, commercially-available products shall be procured wherever practicable. In developing specifications, accepted commercial standards shall be used and unique products shall be avoided where practicable.

(c) Nonrestrictiveness Requirements. All specifications shall describe the requirements to be met, without having the effect of exclusively requiring a proprietary supply, or construction item, or procurement from a sole source, unless no other manner of description will meet the need. If needed, a written determination shall justify the use of restrictive specifications over non-restrictive specifications.

(2) Executive Director's Responsibilities.

(a) The Executive Director shall prepare all project specifications, or

(b) The Board may enter into contracts with others to prepare construction specifications when there will not be a substantial

conflict of interest. In the latter instance, the Executive Director shall retain the authority to approve all specifications.

(c) Whenever specifications are prepared by persons other than the Board and Executive Director's staff, the contract for the preparation of specifications shall adhere to the requirements of this rule.

(3) Types of Specifications. The Executive Director may use any method of specifying construction items, including:

(a) a performance specification stating the results to be achieved with the contractor choosing the means, or

(b) a prescriptive specification describing a means for achieving desired, but normally unstated, ends. Prescriptive specifications shall include the following:

(i) Descriptive specifications, providing detailed written descriptions of the required properties of products, or the workmanship required to fabricate, erect and install without using trade names; or

(ii) Proprietary specifications, identifying desired products by using manufacturers, brand names, model or type designation or important characteristics. This shall consist of:

(A) Base Bid, where a rigid standard is specified and there are no allowed substitutions due to the nature of the conditions to be met. This may only be used when very restrictive standards are necessary and there are only definite proprietary products known that will meet the rigid standards needed; and

(B) Or Equal, which allows substitutions if properly approved;

(c) a reference standard specification where documents or publications are incorporated by reference as though they were included in their entirety; or,

(d) a nonrestrictive specification which may describe elements of prescriptive or performance specifications, or both, in order to describe the end result, thereby giving the contractor latitude in methods, materials, delivery, conditions, cost or other characteristics or considerations to be satisfied.

(4) Procedures for the Development of Specifications.

(a) Specifications may designate alternate supplies or construction items where two or more design, functional, or proprietary performance criteria will satisfactorily meet the procuring agencies' requirements.

(b) Specifications shall contain a nontechnical section to include any solicitation or contract terms or conditions such as requirements for the time and place of bid opening, time of delivery, payment, liquidated damages, and similar contract matters.

(c) Use of Proprietary Specifications.

(i) The Executive Director shall designate one or more brands as a standard reference and shall state that substantially equivalent products will be considered for award, with particular conditions of approval being described in the specification.

(ii) Unless the Executive Director determines that the essential characteristics of the brand names included in the proprietary specifications are commonly known in the industry or trade, proprietary specifications shall include a description of the particular design, functional, or performance characteristics which are required.

(iii) Where a proprietary specification is used, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

(iv) The Board shall solicit sources to achieve whatever degree of competition is practicable. If only one source can supply the requirement, the procurement shall be made in accordance with this rule.

**R131-4-15. Construction Contract Clauses.**

(1) Required Contract Clauses. Pursuant to Section 63-56-40, the document entitled "Required Construction Contract Clauses", dated March 28, 2001 and on file with the Executive Director, is hereby incorporated by reference. Except as provided in this rule, the Executive Director shall include some or all of these clauses in all construction contracts for more than \$50,000.

(2) Revisions to Contract Clauses. The clauses required by this section may be modified for use in any particular contract when, pursuant to this rule, the Executive Director makes a written determination describing the circumstances justifying the variation or variations. Notice of any material variations from the contract clauses required by this section shall be included in any invitation for bids or request for proposals.

**KEY: contracts, public buildings, procurement**  
**2001**

**63C-9-301**



Commerce, Corporations and  
Commercial Code  
**R154-10**  
Utah Digital Act Rules

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 23595

FILED: 04/02/2001, 13:46

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Define electronic communication as referred to in Subsections 46-1-2(1) and 46-1-2(11)(c) and set forth specifications for electronic communication as it applies to executing notarizations.

SUMMARY OF THE RULE OR CHANGE: Requires live audio and visual communication between notary and signer. Specifications require: constant video frame rate of 15 frames per second or more; video resolution of 320 x 240 picture elements (PIXELS); minimum video resolution of 174 x 144 PIXELS; complies with desktop conferencing industry standard h.323 for communication via data networks and the Internet; and full-duplex audio (this means audio in both directions at the same time.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsections 46-1-2(1) and 46-1-2(11)(c)

ANTICIPATED COST OR SAVINGS TO:

◆THE STATE BUDGET: The division has no way of determining how many agencies in state government will take advantage of this new technology. For agencies who will use the technology, the cost will be approximately \$900 per system purchased.

◆LOCAL GOVERNMENTS: The division has no way of determining how many agencies in local governments will take advantage of this new technology. For local government agencies who will use the technology, the cost will be approximately \$900 per system purchased.

◆OTHER PERSONS: The division has no way of determining how many persons will take advantage of this new technology. For persons who will use the technology, the cost will be approximately \$900 per system purchased. The convenience of this new technology should save time in the performance of a notarization.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The division has no way of determining how many persons in the State of Utah will take advantage of this new technology. For persons who will use the technology, the cost will be approximately \$900 per each system.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I concur with the fiscal impact as outlined in Aggregate Anticipated cost or savings to State budget, local government and other persons. Ted Boyer, Jr., Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce  
Corporations and Commercial Code  
Second Floor, Heber Wells Building  
160 East 300 South  
PO Box 146705  
Salt Lake City, UT 84114-6705, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Fran Fish at the above address, by phone at (801) 530-6045, by FAX at (801) 530-6438, or by Internet E-mail at [ffish@br.state.ut.us](mailto:ffish@br.state.ut.us).

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/01/1001

AUTHORIZED BY: Kathy Berg, Director

**R154. Commerce, Corporations and Commercial Code.**

**R154-10. Utah Digital Signature Act Rules.**

**R154-10-100. Authority and Purpose.**

These rules are adopted by the division under the authority of Subsection 46-3-102(4), to enable the division to facilitate the implementation of the Utah Digital Signature Act and Subsections 46-1-2(1) and 46-1-2(11)(c), to enable the division to facilitate the

implementation of Electronic Communication between a signer and a Notary Public using a Digital Signature.

**R154-10-502. Notary Acknowledgment by Electronic Communication.**

Any person(s) executing a notarization using their digital signature and electronic communication requires live audio and visual communication, demonstrating compliance with U.C.A. Section 46-1-2(1) and 46-1-2(11)(c). The following minimal specifications must be met and require:

1. Constant video frame rate of 15 frames per second or more.
2. Minimum video resolution of 320 x 240 picture elements (PIXELS).
3. Complies with desktop conferencing industry standard H.323 for communication via data networks and the Internet.
4. Full-duplex audio (this means audio in both directions at the same time.

**KEY:** commerce, electronic commerce, digital signature, electronic communication

[December 2, 1998]2001

46-3-102(4)

46-1-2(1)

46-1-2(11)(c)



Commerce, Occupational and Professional Licensing  
**R156-16a**  
Optometry Practice Act Rules

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 23566

FILED: 03/22/2001, 17:02

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: In Senate Bill 197, the 2001 Legislature repealed Subsection 58-16a-303(2)(a) in the Optometry Practice Act. This subsection required each licensee to maintain current membership in a peer review organization for initial licensure and for renewal of licensure. Since this statutory subsection was repealed, sections associated with peer review or quality assurance are being deleted.

(DAR Note: S.B. 197 is found at 2001 Utah Laws 267, and will be effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: In Section R156-16a-102 - Definitions: The definition of peer review program or peer review organization is being deleted. Section R156-16a-302d - Quality Assurance Program: The section is being deleted in its entirety. In Section R156-16a-304 - Continuing Education: the word "and" in Subsection R156-16a-304(1) is being changed to "or". In Section R156-16a-502 - Unprofessional Conduct: a definition of unprofessional

conduct that relates to membership in the quality assurance program is being deleted.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-16a-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division will incur only minimal costs, less than \$50, to reprint this rule once the proposed changes are made effective. Any costs incurred will be absorbed in the Division's current budget.

❖LOCAL GOVERNMENTS: The proposed rule does not apply to local governments.

❖OTHER PERSONS: Each applicant for initial licensure as an optometrist was required to pay an initial peer review membership fee of \$80 to the Utah Optometry Association. There were approximately 10 new applications each year. Therefore, each applicant for licensure as an optometrist will save \$80. However, the Utah Optometry Association will experience a loss of revenue of \$800 each year as a result of the quality assurance program no longer being required by statute. There was a cost of \$80 every 2 years to each licensed optometrist to renew his membership with the Utah Optometry Association peer review organization. There are approximately 330 licensed optometrists who will each save \$80 every 2 years. However, the Utah Optometry Association will experience a loss of revenue of approximately \$26,400 every 2 years as a result of the quality assurance program no longer being required by statute.

COMPLIANCE COSTS FOR AFFECTED PERSONS: No costs are anticipated with respect to this rule filing. The Division only expects savings to applicants for licensure as an optometrist and licensed optometrists as identified above. There is however a loss of revenue expected to affect the Utah Optometry Association as a result of these proposed changes.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The Legislature repealed the portion of the practice act requiring applicants and practitioners to be a member of the Utah Optometry Association peer review organization. The annual membership fee of the peer organization is currently \$40 per year. If all of the 330 licensed optometrists in the State of Utah choose to drop their memberships, the Utah Optometry Association will realize an annual loss of \$13,200 from the repeal and the elimination of the quality assurance program requirements in the current rule. Ted Boyer, Jr., Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce  
Occupational and Professional Licensing  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
PO Box 146741  
Salt Lake City, UT 84114-6741, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

David Fairhurst at the above address, by phone at (801) 530-6621, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dfairhur@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/08/2001, 9:00 a.m., 160 East 300 South, Conference Room 428 (Fourth Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.  
R156-16a. Optometry Practice Act Rules.**

**R156-16a-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 16a, as used in Title 58, Chapters 1 and 16a or these rules:

(1) [~~"Peer review program" or "peer review organization"~~ means a quality assurance program approved by the division in collaboration with the board:

~~—(2)—~~]"Verbal order" as used in Subsection 58-16a-102(3)(a), means that the attending optometrist ordered the contact lens prescription by telephone, or that an individual acting under the supervision and direction of the attending optometrist ordered the contact lens prescription by telephone.

**[~~R156-16a-302d. Quality Assurance Program.~~**

~~— In accordance with Subsections 58-16a-302(1)(g) and 58-16a-303(2)(a), a quality assurance program must meet the following criteria in order to be approved by the division in collaboration with the board:~~

~~—(1) The quality assurance program shall consist of a quality assurance provider, quality assurance reviewers, and the subscribing optometrists and shall be under the direction of the quality assurance provider:~~

~~—(2) The quality assurance provider shall clearly demonstrate that its personnel have such knowledge and expertise in the practice of optometry and quality assurance to permit the quality assurance provider to competently conduct an optometry peer review program:~~

~~—(3) The quality assurance program must be open to all licensed optometrists:~~

~~—(4) The quality assurance provider shall submit a written document to the division for prior approval which outlines the quality assurance program in detail, sets forth the standards and audit criteria against which the optometrist will be reviewed, establishes the criteria for selection of those persons who will be accepted to perform quality assurance review, and documents corrective action procedures:~~

~~—(5) The contract between the quality assurance provider and its subscribing optometrists shall provide that the quality assurance review process be conducted not less frequently than once every three years:~~

~~—(6) The primary emphasis of the quality assurance program shall be educational:~~

~~— (7) Any fees charged for participation in the quality assurance program shall be reasonable and necessary and shall be submitted by the quality assurance provider to the division for approval prior to implementation or change.~~

~~— (8) A quality assurance provider shall provide in its agreement between the provider and subscribing optometrist that:~~

~~— (a) if the subscribing optometrist fails to substantially comply with a plan of correction determined appropriate by the provider following quality assurance review by the provider, the subscriber will suspend the subscribing optometrist from that provider's quality review program and will report such suspension to the division; and~~

~~— (b) the provider will make available to the division the results of a quality review in accordance with Title 58, Chapter 13, and otherwise report the results of a quality review upon the proper issuance of a subpoena duces tecum by the division in accordance with the provisions of Title 58, Chapter 1.~~

~~— (9) The approved quality assurance provider shall submit, upon request, a written report to the division in sufficient detail to assess the progress, effectiveness and outcome of the program. Representatives of the quality assurance provider shall meet with the division and board if requested to address issues, concerns or the previously-mentioned report.~~

]

**R156-16a-304. Continuing Education.**

In accordance with Section 58-16a-304, the standards for the 30 hours of qualified continuing professional education are the following.

(1) With the exception of Subsection (2), only courses approved by the Council on Optometric Professional Education (COPE) ~~and~~ or optometry related courses approved by the Council on Medical Education will be accepted.

(2) A maximum of two hours of continuing professional education will be accepted for courses in certification or recertification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BCLS).

(3) Qualified continuing professional education hours for licensees who have not been licensed for the entire two year renewal cycle will be prorated from the date of licensure.

(4) A licensee shall be responsible for maintaining competent records of completed qualified continuing professional education for a period of four years after close of the two year renewal cycle to which the records pertain.

(5) Hours in excess of the 30 hours obtained in one renewal cycle cannot be transferred to the next renewal cycle.

(6) A licensee who has a serious health problem or who has left the United States for an extended period of time which may prevent the licensee from being able to comply with the professional education requirements established under this section may be excused from completing some or all of the requirements established under this section by submitting a written request to the Division and receiving Division approval.

**R156-16a-502. Unprofessional Conduct.**

In addition to Title 58, Chapters 1 and 16a, and in accordance with Subsection 58-1-203(5), unprofessional conduct is further defined to include:

(1) ~~[failure to maintain current membership in the quality assurance program in accordance with Subsection 58-16a-303(2)(a) and Section R156-16a-302d; or~~

~~— (2) ]engaging in optometry beyond the scope of practice pursuant to Section R156-16a-307 and Section 58-16a-601.~~

**KEY: optometrists, licensing**

~~[October 17, 2000]~~2001

Notice of Continuation September 2, 1997

58-16a-101

58-1-106(1)

58-1-202(1)



Commerce, Occupational and Professional Licensing

**R156-56**

Utah Uniform Building Standard Act Rules

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 23577

FILED: 03/29/2001, 08:29

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To update building codes resulting from change from Uniform Building Code to International Building Code. The state has been using the Uniform Building Code for a number of years. The 1997 Uniform Building Code will be the last Uniform Building Code ever published. International Conference of Building Officials (ICBO) was the entity which published the Uniform Building Code. Two other entities, Southern Building Code Congress International (SBCCI) and Building Officials and Code Administrators (BOCA), also published regional code publications in other areas in the United States. These three code entities combined to form the International Codes Council. These combined entities now publish the International Building Code which is the successor to all three codes published by these three code entities. The 2000 edition of the International Building Code is the first code being published by this combined group. The merger of these three codes is intended to help the codes used throughout the nation be more uniform. As a general rule the best provisions of each code were carried over into the new international code. As a part of the combination of codes, it was found that each code had parts that were more restrictive or limited than the other codes. As a general rule, but not always, usually the less restrictive provision was carried over to the new code.

SUMMARY OF THE RULE OR CHANGE: Changes are made throughout to change all references to the Uniform Building Code (UBC) to the International Building Code (IBC). In Section R156-56-202 - Advisory Peer Committees: the Education Advisory Committee number of members was changed from nine to seven. Subsection R156-56-701(1) is the formal adoption of the 2000 edition of the International Building Code with an effective date for the change being

January 1, 2002. Subsections R156-56-701(5), 156-56-701(6), and 156-56-701(7) clarifies that certain portions of the code go beyond the authority of the Division under the statute to adopt such provisions by rule and are therefore not included as part of the effective code. Section R156-56-704 deletes all prior amendments to the UBC and reestablishes amendments to the IBC. Many of the prior amendments did not need to be carried over because the new code adequately addressed the issue. Many of the prior amendments had to be rewritten or renumbered to carry over into the new code. Generally statewide amendments address particular needs of the state of Utah that may not be present in other jurisdictions, such as snow load requirements, or which have been standards of construction in our state for a number of years and are being carried over to the new code. Some amendments were necessary as a result of the new code conflicting with Utah requirements such as day care requirements amendments being made to be consistent with Utah statutes. Committees of the Uniform Building Code Commission are still reviewing changes in construction standards as a result of the code change and it is anticipated that further amendments will be made in the fall of 2001, which will still be in time to make the further amendments effective before the new codes become effective in January 2002. Section R156-56-705 deletes all local amendments to the UBC and starts to replace with comparable amendments to the IBC. Many jurisdictions have not prepared their requests at the date of this change and further changes are anticipated at the next round of changes which will occur in the fall of 2001, which will still be in time to have the local amendments effective before January 2002 when the change to the IBC will become effective. Section R156-56-707 has several technical changes. Most of the changes (deletions) are the result of the change to the IBC which are handled in the general Subsections R156-56-701(5), R156-56-701(6), and R156-56-701(7) and are no longer needed to be specified in the amendments to the IPC. Section R156-56-708 has several technical changes. Most of the changes (deletions) are the result of the change to the IBC which are handled in the general Subsections R156-56-701(5), R156-56-701(6), and 156-56-701(7) and are no longer needed to be specified in the amendments to the IBC. The changes in Sections R156-56-710 and R156-56-711 to the International Residential Code (IRC) are the result of carry over of prior amendments in the UBC to applicable portions of the IRC. The IBC has the one and two family dwelling construction standards specified in a separate code book (IRC) rather than written out in the same volume. This results in all the requirements for these type of constructions being specified in one volume rather than four volumes and therefore should be easier for use by the builders engaged only in residential construction. Section R156-56-709 makes amendments to the UBC which are to become effective upon implementation of this rule and will expire when the IBC becomes effective in January 2002. The local amendment for the City of North Salt Lake was requested due to fire safety issues that are needed for larger homes. The update in the preamble for standards is a technical change to the latest standard specified by the National Fire Protection Association and brings the building code in line with the fire code adopted by the State Fire Marshal.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-56-1, and Subsections 58-1-106(1), 58-1-202(1), 58-56-4(2) and 58-56-6(2)(a)

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: Deletes the 1997 edition of the International Plumbing Code (IPC); and adds the 2000 edition of the International Building Code (IBC); adds Chapter 11 of the 2001 edition of the Supplement to the IBC; adds 2000 edition of the International Energy Conservation Code (IECC), and adds 2000 edition of the International Residential Code (IRC)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: It is impossible to determine the net effect on state budget, because the changes are dependent on the construction that is being done by the state and particular changes in construction standards that may apply to such construction. While certain provisions may cost more and other provisions may cost less than the existing code requirements, it is anticipated that as a whole the requirement will be less restrictive than existing codes and therefore should result in a savings to the state in its building projects. There is no difference in cost of administration of this code by the Division other than the fact that new code books have been purchased. This however is a normal state expense because code books are normally updated every three years even if there hasn't been a change in code publishing entities. These changes should not affect state government budget other than as it may apply to new buildings that the state government may be constructing which as stated above should result in a net savings to the state. The approximate cost to purchase the new code books which are being incorporated by reference is \$160 for all four of the books. This cost would be incurred by any state agency that has a need or use for the new codes books. Also, the Division will incur some printing costs, approximately \$150, to print this rule once the proposed changes have been made effective. Any costs incurred will be absorbed in the Division's current budget.

❖LOCAL GOVERNMENTS: These changes should not affect local budget other than as it may apply to new buildings that the local government may be constructing. It is impossible to determine if any of the changes would affect such buildings; however, it is anticipated that as a whole the requirements will be less restrictive than existing codes and therefore should result in a savings to the local government in its building projects. It is not anticipated that the administration cost to the local governments would be more than under the existing building codes other than the requirements to purchase updated code books and education of building inspectors on the new codes. Since new codes are updated every three years even without a change in code publishing entities, these are normal operating expenses of the local government entities. The only difference is that there will be a temporary added burden for the inspectors to get up to speed on the new codes. Since most of this training is subsidized by the training budget coming out of the training funds assessed upon building permits, it is anticipated that the overall costs to the local jurisdictions should be minimal. The approximate cost to purchase the new code books which

are being incorporated by reference is \$160 for all four of the books. This cost would be incurred by any local government or agency that has a need or use for the new codes books.

❖OTHER PERSONS: Due to the inability to determine how many projects would be affected, an aggregate impact is impossible to determine. However, it is anticipated that as a whole the requirements will be less restrictive than existing codes and therefore should result in a savings to the private building projects. The approximate cost to purchase the new code books which are being incorporated by reference is \$160.00 for all four of the books. This cost would be incurred by any person that has a need or use for the new codes books.

COMPLIANCE COSTS FOR AFFECTED PERSONS: Due to the inability to determine the specific projects that would be affected and the net effect, the net impact is impossible to determine. However, it is anticipated that as a whole the requirements will be less restrictive than existing codes and therefore should result in a savings to the private building projects. The updates to the plumbing code may have some individual cases of minor increased or lowered costs for portions of a construction project; however, overall the changes are not expected to result in substantial change to construction costs. The approximate cost to purchase the new code books which are being incorporated by reference is \$160 for all four of the books.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: I have reviewed the above-captioned proposed rule changes that relate to the merger of the provisions of the Uniform Building Code into the International Building Code. The International Building Code represents the end product of the merger of many provisions of the Uniform Building Code as well as many provisions of other regional codes. The purpose of such merger into the International Building Code is to update the provisions of the merging codes into a successor International Building Code that: will draw upon the best code provisions in the merging codes as determined by appropriate experts and committees formed for that purpose; help the building codes used throughout the nation to be more uniform; and as a general rule (but subject to certain exceptions) to usually make the building codes, as integrated into the new International Building Code, less restrictive than heretofore existed. In reviewing certain introductory pages relating to the proposed rule changes and the impact that such rule changes will have on the state budget, it is stated that ". . . it is impossible to determine the net effect on the state budget, because the changes are dependant on the construction that is being done by the state and the particular changes in construction standards that may apply to such construction." While realistically admitting that certain provisions may cost more and that other provisions may cost less, the documentation takes the position that since the requirements as a whole will be less restrictive than existing codes, it is widely anticipated that the newly merged code will result in a savings to the state in its building projects. Such a conclusion seems persuasive and eminently reasonable but there are of course no guarantees. Only after state building projects are completed under the new International Building Code changes, which I believe to be a substantial

improvement over its predecessor, will we know for certain.  
Ted Boyer, Jr., Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce  
Occupational and Professional Licensing  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
PO Box 146741  
Salt Lake City, UT 84114-6741, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Dan S. Jones at the above address, by phone at (801) 530-6720, by FAX at (801) 530-6511, or by Internet E-mail at brdopl.dsjones@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/15/2001, 9:00 a.m., State Office Building, Room 4112, 450 North Main, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.**

**R156-56. Utah Uniform Building Standard Act Rules.**

**R156-56-202. Advisory Peer Committees Created - Membership - Duties.**

(1) There is created in accordance with Subsection 58-1-203(6) and 58-56-5(10)(e), the following committees as advisory peer committees to the Uniform Building Codes Commission:

- (a) the Education Advisory Committee consisting of ~~nine~~seven members;
- (b) the Plumbing and Health Advisory Committee consisting of nine members;
- (c) the Structural Advisory Committee consisting of seven members;
- (d) the Architectural Advisory Committee consisting of seven members;
- (e) the Fire Protection Advisory Committee consisting of seven members;
- (f) the Mechanical Advisory Committee consisting of seven members; and
- (g) the Electrical Advisory Committee consisting of seven members.

(2) The committees shall be appointed and serve in accordance with Section R156-1-205. The membership of each committee shall be made up of individuals who have direct knowledge or involvement in the area of code involved in the title of that committee.

(3) The duties and responsibilities of the committees shall include:

- (a) review of requests for amendments to the adopted codes as assigned to each committee by the division with the collaboration of the commission; and

(b) submission of recommendations concerning the requests for amendment.

**R156-56-302. Licensure of Inspectors.**

In accordance with Subsection 58-56-9(1), the licensee classifications, scope of work, qualifications for licensure, and application for license are established as follows:

(1) License Classifications. Each inspector employed by a local regulator, state regulator, compliance agency, or private agency providing inspection services to a regulator or compliance agency, shall qualify for licensure and be licensed by the division in one of the following classifications:

- (a) Combination Inspector; or
- (b) Limited Inspector.

(2) Scope of Work. The scope of work permitted under each inspector classification is as follows:

- (a) Combination Inspector.

(i) In accordance with the ~~UBC~~IBC, NEC, IPC, and IMC, inspect the components of any building, structure or work for which a standard is provided in the specific edition of the aforesaid codes adopted under these rules or amendments to these codes as included in these rules.

(ii) Determine whether the construction, alteration, remodeling, repair or installation of all components of any building, structure or work is in compliance with the adopted ~~UBC~~IBC, NEC, IPC, and IMC.

(iii) After determination of compliance or noncompliance with the ~~UBC~~IBC, IPC, NEC and IMC, take appropriate action as is provided in the aforesaid codes.

- (b) Limited Inspector.

(i) A Limited Inspector may only conduct activities under Subsections (ii), (iii) or (iv) for which the Limited Inspector has maintained current certificates under the ~~UBC~~IBC, NEC, IPC or IMC as provided under Subsections R156-56-302(3)(b) and R156-56-302(2)(c)(ii).

(ii) Subject to the limitations of Subsection (i), in accordance with the UBC, NEC, IPC, or IMC, inspect the components of any building, structure or work for which a standard is provided in the specific edition of the aforesaid codes adopted under these rules or amendments to these codes as included in these rules.

(iii) Subject to the limitations under Subsection (i), determine whether the construction, alteration, remodeling, repair or installation of components of any building, structure or work is in compliance with the adopted ~~UBC~~IBC, NEC, IPC, or IMC.

(iv) Subject to the limitations under Subsection (i), after determination of compliance or noncompliance with the ~~UBC~~IBC, IPC, NEC or IMC, take appropriate action as is provided in the aforesaid codes.

- (c) Transitional Provisions.

(i) A license issued to an inspector trainee which license is active at the time of this rule change shall remain effective throughout the term of the original license and shall have authority as specified under the prior rules in effect on July 1, 1999. Thereafter, all persons must qualify for licensure under these rules.

(ii) An inspector granted a license as a Building Inspector I, Electrical Inspector I, Plumbing Inspector I, Mechanical Inspector I, Combination Inspector II - Limited Commercial Combination, Combination Inspector III, Building Inspector III, Electrical Inspector III, Plumbing Inspector III or Mechanical Inspector III

under the prior rules, which license is active at the time of this rule change, shall be issued a replacement license as a Limited Inspector.

(iii) The state administered examinations upon which prior licenses were granted or upon which new limited inspector licenses may be granted shall be considered as current certification until two years after a national organization offers certification as a residential building inspector, residential electrical inspector, residential plumbing inspector or residential mechanical inspector for codes adopted under these rules. After the state administered examinations are no longer considered current certification, licenses may not be granted or renewed unless the person has obtained current certificates issued by a national organization.

(3) Qualifications for Licensure. The qualifications for licensure for each inspector classification are as follows:

- (a) Combination Inspector.

Has passed the examination for and maintained as current the following national certifications for codes adopted under these rules:

(i) the "Building Inspector Certification" issued by the International Conference of Building Officials;

(ii) the "Electrical Inspector Certification" issued by the International Conference of Building Officials or the "General Electrical Certification" issued by the International Association of Electrical Inspectors;

(iii) the "Plumbing Inspector Certification" issued by the International Conference of Building Officials, International Code Council or the International Association of Plumbing and Mechanical Officials or the "Commercial Plumbing Inspector Certification" issued by the International Code Council or International Association of Plumbing and Mechanical Officials; and

(iv) the "Mechanical Inspector Certification" issued by the International Conference of Building Officials or the "Commercial Mechanical Inspector Certification" issued by the International Association of Plumbing and Mechanical Officials.

- (b) Limited Inspector.

Has passed the examination for and maintained as current one or more of the following national certifications for codes adopted under these rules, or state administered examinations, if offered:

(i) the "Building Inspector Certification" issued by the International Conference of Building Officials;

(ii) the "Electrical Inspector Certification" issued by the International Conference of Building Officials or the "General Electrical Certification" issued by the International Association of Electrical Inspectors;

(iii) the "Plumbing Inspector Certification" issued by the International Conference of Building Officials, International Code Council or the International Association of Plumbing and Mechanical Officials or the "Commercial Plumbing Inspector Certification" issued by the International Code Council or International Association of Plumbing and Mechanical Officials;

(iv) the "Mechanical Inspector Certification" issued by the International Conference of Building Officials or the "Commercial Mechanical Inspector Certification" issued by the International Association of Plumbing and Mechanical Officials;

(v) the "Combination Dwelling Inspector Certification" issued by the International Conference of Building Officials;

(vi) the "Limited Commercial Combination Certification" issued by the International Conference of Building Officials;

(vii) the "Residential Building Inspector Certification" issued by the International Conference of Building Officials, or the "Residential Building Inspector Examination" prepared and administered under the direction of the Division;

(viii) the "Residential Electrical Inspector Certification" issued by the International Conference of Building Officials, or the "Residential Electrical Examination" prepared and administered under the direction of the Division;

(ix) the "Residential Plumbing Inspector Certification" issued by the International Conference of Building Officials, or the "Residential Plumbing Inspector Examination" prepared and administered under the direction of the Division; or

(x) the "Residential Mechanical Inspector Certification" issued by the International Conference of Building Officials, or the "Residential Mechanical Inspector Examination" prepared and administered under the direction of the Division.

(4) Application for License.

(a) An applicant for licensure shall:

(i) submit an application in a form prescribed by the division; and

(ii) pay a fee determined by the department pursuant to Section 63-38-3.2.

**R156-56-701. Specific Editions of Uniform Building Standards.**

(1) In accordance with Subsection 58-56-4(3), and subject to the limitations contained in Subsection (5), (6), and (7), the following codes~~[Uniform Building Standards]~~ are hereby incorporated by reference and adopted as the construction standards~~[building standard editions]~~ to be applied to building construction, alteration, remodeling and repair and in the regulation of building construction, alteration, remodeling and repair in the state:

(a) the 1997 edition of the Uniform Building Code (UBC) promulgated by the International Conference of Building Officials (ICBO) and amendments adopted under prior rules issued on January 1, 2001, and amendments under these rules under Subsection R156-56-709(1) shall remain effective until January 1, 2002. The 2000 edition of the International Building Code (IBC) as modified by Chapter 11 of the 2001 edition of the Supplement to the International Building Code, promulgated by the International Code Council, and amendments adopted under these rules together with standards incorporated into the IBC by reference, including but not limited to, the 2000 edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council and the 2000 edition of the International Residential Code (IRC) promulgated by the International Code Council shall become effective on January 1, 2002;

(b) the 1999 edition of the National Electrical Code (NEC) promulgated by the National Fire Protection Association, to become effective January 1, 2000;

(c) ~~[the 1997 edition of the International Plumbing Code (IPC) promulgated by the International Code Council and amendments adopted under prior rules issued on February 15, 2000 shall remain effective until December 31, 2000. T]the 2000 edition of the International Plumbing Code (IPC) promulgated by the International Code Council and amendments adopted under these~~

rules in Section R156-56-707 shall become effective on January 1, 2001;

(d) the 1998 ICC edition of the International Mechanical Code (IMC), as published and promulgated by the International Code Council (ICC) and amendments adopted under Section R156-56-708 under prior rules issued on July 1, 2000 shall remain effective until December 31, 2001. The 2000 edition of the International Mechanical Code (IMC) together with all applicable standards set forth in the 2000 International Fuel Gas Code (IFGC) (formerly included as part of the IMC) and amendments adopted under these rules in Section R156-56-708 shall become effective on January 1, 2002;

(e) subject to the provisions of Subsection (4), the Federal Manufactured Housing Construction and Safety Standards Act (HUD Code) as promulgated by the Department of Housing and Urban Development and published in the Federal Register as set forth in 24 CFR parts 3280 and 3282 as revised April 1, 1990; and

(f) subject to the provisions of Subsection (4), the 1994 edition of NCSBCS A225.1 Manufactured Home Installations promulgated by the National Conference of States on Building Codes and Standards (NCSBCS).

(2) Amendments adopted by rule to prior editions of the Uniform Building Standards shall remain in effect until specifically amended or repealed.

(3) The manufacturer, dealer or homeowner shall be permitted to design for unusual installation of a manufactured home not provided for in the manufacturer's standard installation instruction or NCSBCS/ANSI 225.1, Manufactured Home Installations, provided the design is approved in writing by a professional engineer or architect licensed in Utah. Guidelines for Manufactured Housing Installation as promulgated by the International Conference of Building Officials may be used as a reference guide.

(4) Pursuant to the Federal Manufactured Home Construction and Safety Standards Section 604(d), a manufactured home may be installed in the state of Utah which does not meet the local snow load requirements as specified in Subsection R156-56-704; however all such homes which fail to meet the standards of Subsection R156-56-704 shall have a protective structure built over the home which meets the ~~[Uniform]~~International Building Code and the snow load requirements under Subsection R156-56-704.

(5) To the extent that the building codes adopted under Subsection (1) establish local administrative functions or establish a method of appeal which pursuant to Section 58-56-8 are designated to be established by the compliance agency, such provisions are not included in the codes adopted hereunder but authority over such provisions are reserved to the compliance agency to establish such provisions.

(6) To the extent that the building codes adopted under Subsection (1) establish provisions, standards or references to other codes which by state statutes are designated to be established or administered by other state agencies or local city, town or county jurisdictions, such provisions are not included in the codes adopted herein but authority over such provisions are reserved to the agency or local government having authority over such provisions. Provisions excluded under this Subsection include but are not limited to:

(a) the International Property Maintenance Code;

(b) the International Private Sewage Disposal Code, authority over which would be reserved to the Department of Health and the Department of Environmental Quality;

(c) the International Fire Code which pursuant to Section 58-3-7 authority is reserved to the Utah Fire Prevention Board; and

(d) day care provisions which are in conflict with the Child Care Licensing Act, authority over which is designated to the Utah Department of Health.

(7) To the extent that the codes adopted under Subsection (1) establish provisions that exceed the authority granted to the Division, under the Utah Uniform Building Standards Act, to adopt codes or amendments to such codes by rulemaking procedures, such provisions, to the extent such authority is exceeded, are not included in the codes adopted.

#### **R156-56-704. Statewide Amendments to the [UBC]IBC.**

The following are adopted as amendments to the [UBC]IBC to be applicable statewide:

(1) Chapter 1, Section 101.3 is amended by adding the following paragraph:

"The appendix chapters of this code are approved for adoption in each political subdivision of the State provided that each said political subdivision shall furnish to the Division a request to adopt the chapter and the Division thereafter complies with the provisions of Title 63, Chapter 46a, Administrative Rulemaking Act".

(2) Chapter 1, Section 104.1 is amended as follows:

"There is hereby established in each political subdivision of the state a code enforcement agency which shall be under the administrative and operational control of the building official. The building official shall be appointed by the local regulator."

(3) Chapter 1, Section 109.1 is amended by replacing the exception with the following:

**EXCEPTION:** Group R, Division 3 and Group U Occupancies; provided local jurisdictions may require a certificate of occupancy for Group R, Division 3 occupancies.

(4) Chapter 3, Section 305.1 is amended as follows:

The following exception is added at the end of the section:

**EXCEPTION:** Areas used for day care purposes may be located in a Group R, Division 3 occupancy provided the building substantially complies with the requirements for a dwelling unit and under all of the following conditions:

1. Compliance with the Utah Fire Prevention Board Rules (R710-8) for Family Day Care;

2. Use is approved by the State Department of Health as a Residential Certificate Child Care (R430-50) or licensed as a Family Child Care (R430-90); and

3. Compliance with all zoning regulations of the local regulator.

(5) Chapter 3, Section 305.2.3 is amended as follows:

The following section is added after the title of Section 305.2.3 Special Provisions:

305.2.3.1 Kindergarten, first- or second-grade pupils.

Delete in its entirety the last paragraph of Section 305.2.3 which reads "Stages and platforms shall be construed in accordance with Chapter 4. For attic space partitions and draft stops, see Section 708".

(6) Chapter 3, Section 305.2.3.3 is added as follows:

— 305.2.3.3 Other. Stages and platforms shall be constructed in accordance with Chapter 4. For attic space partitions and draft stops, see Section 708.

(7) Chapter 9, Section 310.7 is deleted and replaced with the following:

— 310.7 An efficiency dwelling unit shall conform to the requirements of the code except as herein provided:

1. A single occupancy unit shall have a habitable room of not less than 165 square feet (15.3 m<sup>2</sup>) and a total floor area of not less than 200 square feet (18.6 m<sup>2</sup>). An additional 100 square feet (9.3 m<sup>2</sup>) of superficial floor space shall be added for each additional occupant.

2. The unit shall be provided with a kitchen sink, cooking appliance, and refrigeration facility, each having a clear working space of not less than 30 inches (762 mm) in front. Light and ventilation conforming to the code shall be provided.

3. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

4. When the unit is required to have a fire sprinkler system, the unit shall have at least one sprinkler head in every room and closet.

(8) Chapter 9, Section 904.1.1. is amended to add a fifth paragraph as follows:

— Section 904.1.1. General; Protection against backflow shall be provided per Section 608.16.4 of the International Plumbing Code.

(9) Chapter 10, Section 1004.3.4.3.2.1, Doors is amended by renumbering the existing exception as No. 1 and adding Exception 2. as follows:

2. In Group E-1 and E-2 occupancies that are fully protected by an approved fire sprinkler system, the door closers may be of the friction hold open type on classrooms only. In non-sprinkled E-1 and E-2 occupancies, classroom doors shall be held open only by a magnetic hold open device.

(10) Chapter 10, Section 1003.3.3.6 is amended by adding an exception to the third paragraph as follows:

**Exception:** Handrails serving an individual unit in a Group R, Division 1 or Division 3 Occupancy may have either a circular cross section with a diameter of 1 1/4 inches (32 mm) to 2 inches (51 mm), or a non-circular cross section with a perimeter dimension of at least 4 inches (102 mm) but not more than 6 5/8 inches (168 mm) and a largest cross sectional dimension not exceeding 3 1/4 inches (83 mm). The perimeter on non-circular cross sections shall be measured from one side of the cross section, 2 inches (51 mm) down from the top or crown.

An indentation is required on both sides of non-circular handrail cross sections. This indentation must be in the area of the sides between 5/8 inch (16 mm) and 1 1/2 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 1/4 inch (6 mm) deep on each side and shall be at least 1/2 inch (13 mm) high.

Edges within the handgrip shall have a minimum radius of 1/16 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(11) In Chapter 11, Section 1101.3, the exception for Type B dwelling units is deleted.

(12) In Chapter 11, Section 1102, the definition for CABO/ANSI A117.1 is deleted.

— (13) In Chapter 11, Section 1102, the definition for Dwelling Unit - Type A is deleted and replaced with the following:

— Dwelling Unit - Type A is a dwelling unit that is designed and constructed for accessibility in accordance with ICC/ANSI A117.1-1998, Section 1002.

— (14) In Chapter 11, Section 1102, the definition for Dwelling Unit - Type B is deleted and replaced with the following:

— Dwelling Unit - Type B is a dwelling unit that is designed and constructed for accessibility in accordance with ICC/ANSI A117.1-1998, Section 1003.

— (15) In Chapter 11, Section 1102, the definition for ICC/ANSI A117.1-1998 is added to read as follows:

— ICC/ANSI A117.1-1998 is American National Standard A117.1-1998 published by International Code Council.

— (16) In Chapter 11, Section 1103.2.1, the exception for Type B dwelling units is deleted.

— (17) In Chapter 11, Section 1106 and all subsections in Section 1106 is deleted and replaced with the following:

— 1106.1 General Type B Dwelling Units, when required, shall comply with ICC/ANSI A117.1-1998, Section 1003.

— Exception: Type B dwelling units designed and constructed as Type A dwelling units.

— (18) Each references to "CBO/ANSI A117.1" contained in each of the following subsections is hereby deleted and replaced with "ICC/ANSI A117.1-1998":

- Chapter 11, Section 1101.2;
- Chapter 11, Section 1101.3 (referenced twice);
- Chapter 11, Section 1103.2.1;
- Chapter 11, Section 1103.2.3 (reference twice);
- Chapter 11, Section 1103.2.4.2;
- Chapter 11, Section 1105.1;
- Chapter 11, Section 1105.2.2;
- Chapter 11, Section 1105.2.4.1;
- Chapter 11, Section 1105.3 (referenced twice);
- Chapter 11, Section 1105.4.3;
- Chapter 11, Section 1105.4.7;
- Chapter 11, Section 1105.4.8.2;
- Appendix Chapter 11, Section 1107.3;
- Appendix Chapter 11, Section 1108.2;
- Appendix Chapter 11, Section 1108.3;
- Appendix Chapter 11, Section 1109.2; and
- Appendix Chapter 11, Section 1112.1.2.

— (19) Chapter 11, Section 1103.1.9.3 is amended as follows:

— The following is added as Exception 6.:

6. When a change of use in the building or portion of the building results in multi-unit dwellings as defined in this section, only 20% of the dwelling units need to be Type B dwelling units. These dwelling units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling units, shall be Type A dwelling units.

— (20) Chapter 16, Section 1612.3.2, Exception 2 is amended to read as follows:

— 2. Snow loads over 30 psf may be reduced in accordance with Section 1630.1.1, Item 3 (amended), and snow loads 30 psf or less need not be combined with seismic.

— (21) Chapter 16, Section 1630.1.1, Item 3 is amended as follows:

— 3. Design snow loads of 30 psf or less need not be included. Where the snow load exceeds 30 psf, the snow load shall be

included. The snow load shall be adjusted in accordance with the following formula:  $W_s = (0.25 + 0.025(A-5))P_f$

— WHERE:  $W_s$  = Weight of snow to be included in seismic calculations;

— A = Elevation above sea level at the location of the structure in question (ft/1000);

—  $P_f$  = Design roof snow load, psf.

— (22) Chapter 18, Section 1806 is amended by revising the section heading as follows:

— Section 1806 Footings and Foundations.

— (23) Chapter 18, Section 1806.6.1 is amended by adding the following exception at the end of that section:

— Exception: When anchor bolt spacing does not exceed 32 inches on center.

— (24) Chapter 18, Section 1806.11 is added as follows:

— 1806.11 Empirical foundation design. Group R, Division 3 occupancies three stories or less in height, and Group U occupancies, which are constructed in accordance with Section 2320, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, may have foundations constructed in accordance with Table 18-1-D:

Max. Height	2'	4'	6'	8'	9'	Over 9'
Top Edge Support	None	None	Floor or roof diaphragm	Same as 6'	Same as 6'	Engineering required
Minimum Thickness	6"	6"	8"	8"	8"	Same as above
Vertical Steel (2)	Note (5)	#4 @ 24"	#4 @ 24"	#4 @ 24"	#4 @ 16"	Same as above
Horizontal Steel (3)	2 #4 Bars	3 #4 Bars	4 #4 Bars	5 #4 Bars	6 #4 Bars	Same as above
Steel at Openings (4)	2 #4 Bars above;	2 #4 Bars above;	2 #4 Bars above;	2 #4 Bars above;	2 #4 Bars above;	Same as above
	1 #4 Bar each side	1 #4 Bar each side	1 #4 Bar each side	1 #4 Bar each side	1 #4 Bar each side	
Max. Lintel Length	2'	3'	6'	6'	6'	Same as above
Min. Lintel Depth	2" for each ft. of opening width;	Same as 2'	Same as 2'	Same as 2'	Same as 2'	Same as above
	Min. 6"					
Max. Grade Differential (6)	1' 6" (6)	3' 6" (6)	5' (7)	5' (7)	5' (7)	Same as above

Notes:  
— (1) Based on 3000 psi concrete and grade 60 reinforcing steel - special inspection is not required.

~~(2) To be placed in the center of the wall, and extend from the footing to within three inches of the top of the wall; Dowels of #4 rebar with standard hook shall be provided in the footing to match the vertical steel, with the vertical leg extending 24 inches into the foundation wall.~~

~~(3) One bar shall be located in the top four inches, one bar in the bottom four inches and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1806.7.1. Corner reinforcing shall be provided so as to lap 24 inches.~~

~~(4) Bars shall be placed within two inches of the openings and extend 24 inches beyond the edge of the opening; vertical bars may terminate three inches from the top of the concrete.~~

~~(5) Dowels of #4 rebar at 24 inches on center with a standard hook, shall be provided in the footing, with the vertical leg extending to within three inches of the top of the foundation wall.~~

~~(6) Difference in grade from one side of the wall to the other.~~

~~(7) Difference in grade from the highest grade to the lowest grade on the perimeter of the foundation.~~

~~(8) The footing shall have a minimum width of 20 inches and a minimum thickness of nine inches.~~

~~(25) Chapter 23, Section 2316.2, Item 6 is amended by adding footnote 3, reference from "two months", to read as follows:~~

~~(6) When the accumulated duration of the full maximum load during the life of the member does not exceed the period indicated below, the values may be increased in the tables as follows:~~

~~Footnote 3: as for snow below 5000 feet elevation:~~

~~(26) Chapter 23, Section 2307 is amended by adding exception 5 as follows:~~

~~5. Veneer of brick or stone applied as specified in Section 1403.6 may be supported on structural glued-laminated timber or laminated veneer lumber provided that the beam be designed to limit the dead load deflection to 1/800 of the span and the total load deflection to 1/600 of the span with due consideration given for shrinkage and creep. The beam shall be protected from exposure to weather as required for dwelling under Section 1402.1.~~

~~(27) Chapter 34, Section 3403.2 is amended as follows:~~

~~The following is added after the exceptions:~~

~~Buildings constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when said building is undergoing reroofing, or alteration of or repair to said feature:~~

~~EXCEPTION: Group R-3 and U occupancies.~~

~~Original plans and/or structural calculations may be utilized to demonstrate that the parapets or appendages are structurally adequate. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.~~

~~The maximum height of an unreinforced masonry parapet above the level of diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Zones Nos. 3 and 4. If the required parapet height exceeds this maximum height, a bracing system designed for the forces specified in Table 16-0 for walls shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors are required. Approved alternate methods of equivalent strength will be~~

~~considered when accompanied by engineer sealed drawings, details and calculations.~~

~~(28) Chapter 35, Part III—the references under Chapter 11 are deleted and replaced with the following:~~

~~Accessible and Usable Buildings and Facilities 1101.2 Council of American Building Officials American National Standards ICC/ANSI A117.1-1998.~~

~~(29) Appendix Chapter 3, Division IV, Requirements for Group R, Division 4 Occupancies, is adopted as a part of the UBC and incorporated by reference.~~

~~(30) Appendix Chapter 11, Division I, Site Accessibility, is adopted as a part of the UBC and incorporated by reference.~~

~~(31) Appendix Chapter 11, Division II, Accessibility For Existing Buildings, is adopted as a part of the UBC and incorporated by reference.~~

~~(32) Appendix Chapter 11, Section 1107.2 is deleted and replaced with the following:~~

~~1107.2 Definition: ICC/ANSI A117.1-1998 is American National Standard A117.1-1998 published by the International Code Council.~~

~~(33) Appendix Chapter 13, Energy Conservation in New Building Construction, is adopted as a part of the UBC and incorporated by reference.~~

~~(34) Appendix Chapter 13, Section 1302.2 is amended as follows:~~

~~In order to comply with the purpose of this appendix, low-rise residential buildings shall be designed to comply with the requirements of the Model Energy Code promulgated jointly by the International Conference of Building Code Officials (ICBO); the Southern Building Code Congress International, Inc. (SBCCI); the Building Officials and Code Administrators International, Inc. (BOCA); and the National Conference of States on Building Codes and Standards, dated 1995. Commercial and high-rise residential buildings shall be designed to comply with the requirements of the Energy Code for Commercial and High-Rise Residential Building, which is a codification of ASHRAE/IES Standard 90.1-1989, Energy Efficient Design of New Buildings except Low-Rise Residential Buildings.~~

~~(35) The Model Energy Code is amended as follows:~~

~~Section 502.2.1 Walls is amended as follows:~~

~~Equation 1 shall be used to determine acceptable combinations to meet this requirement, and when metal studs are used,  $U_w$ -values shall be those calculated using appropriate correction factors for thermal bridging of insulation as published in Section 8 of RS-1, or calculated using ASHRAE RS-4 approved methodology for either serial or parallel path thermal transfer; or  $U_w$ -values compiled in Table 8-Y of the "User's Manual" for ASHRAE/IES Standard 90.1-1989, which is hereby incorporated by reference and which shall be available at all offices issuing building permits or the Division of Occupational and Professional Licensing or insertion in the Model Energy Code:~~

~~Simplified prescriptive maps, tables or other compliance aids, manuals or computer programs as may be supplied by DOE/Pacific Northwest Laboratory or others, when certified by the state or its agencies, may be used to demonstrate energy code compliance.~~

~~ASHRAE/IES Standard 90.1-1989 is amended as follows:~~

~~Section 101.3.1.2 Exceptions:~~

~~(4) The building official may approve designs which do not fully conform with all of the requirements of this code where in the~~

opinion of the building official full compliance is physically impossible and/or economically impractical:

— (36) Appendix Chapter 16, Division I, Snow Load Design is adopted and incorporated by reference.

— (37) Appendix Chapter 16, Division I, Section 1639 is amended as follows:

— The ground snow load,  $P_g$ , to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula:  $P_g = (P_o^2 + S^2(A - A_o)^2)^{1/2}$  for A greater than  $A_o$ , and  $P_g = P_o$  for A less than  $A_o$ .

— WHERE:

—  $P_g$  = Ground snow load at a given elevation (psf)

—  $P_o$  = Base ground snow load (psf) from Table A-16-C

— S = Change in ground snow load with elevation (psf/1000 ft), from Table A-16-C

— A = Elevation above sea level at the location for which snow load is being determined (ft/1000)

—  $A_o$  = Asymptote and zero ground snow axis intercept (ft/1000) from Table A-16-C

— The ground snow load,  $P_g$ , may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record. The building official may round the snow load to the nearest 5 psf.

TABLE NO. A-16-C  
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	$P_o$	S	$A_o$
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5
Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

— (38) Appendix Chapter 29, Minimum Plumbing Facilities, is adopted as a part of the UBC and incorporated by reference.

— (39) Appendix Chapter 29 is amended as follows:

— The following is added as footnote 7:

— 7. When provided, there shall be an equal number of diaper changing facilities for men as for women.

— (40) Appendix Chapter 30, Elevators, Dumbwaiters, Escalators and Moving Walks, is adopted as a part of the UBC and incorporated by reference.

— (41) Appendix Chapter 30, Section 3010 is deleted and replaced with the following:

— Section 3010 Definitions. ANSI CODE is the ASME/ANSI A17.1-1996 with Supplements A17.1a-1997, Safety Code for Elevators and Escalators, and American National Standard Published by the American Society of Mechanical Engineers.

— (42) Appendix Chapter 30, Section 3012 is deleted and replaced with the following:

— Section 3012 ANSI CODE ADOPTED. New elevators, dumbwaiters, escalators and moving walks and major alterations to such conveyances and the installation thereof shall conform to the requirements of the American National Standards Institute ASME/ANSI A17.1-1996 Safety Code for Elevators and Escalators, including Supplements A17.1a-1997, published by the American Society of Mechanical Engineers. Elevators and escalators that are remodeled or upgraded shall conform with ASME/ANSI A17.3-1996, Safety Code for Existing Elevators and Escalators, published by the American Society of Mechanical Engineers.

— (43) Appendix Chapter 30, Section 3012 is amended as follows:

— The following is added at the end of Section 3012:

— Exceptions to ANSI/ASME A17.1:

— (1) Delete Rule 102.2(c)(3); and

— (2) Rule 102.2(c)(4) shall apply to all elevators except hydraulic elevators with 50 feet of travel or less.

— (44) Chapter 9-1 of the UBC Standards is amended as follows:

— Replace the current Uniform Building Code Standard 9-1 (NFPA-13, 1991 edition) with the fire sprinkler standard, NFPA-13, 1996 edition.

— (45) Chapter 9-3 of the UBC Standards is amended as follows:

— Replace the current Uniform Building Code Standard 9-3 (NFPA-13R, 1989 edition) with the fire sprinkler standard, NFPA-13R, 1996 edition: (1) All references to the International Electrical Code are deleted and replaced with the National Electrical Code adopted under subsection R156-56-701(1)(b).

(2) Section 101.4.1 is deleted and replaced with the following:

101.4.1 Electrical. The provisions of the National Electrical Code (NEC) shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

(3) In Section 302.3, exception number 2 is deleted and replaced with the following:

2. The private garage shall be separated from the residence and its attic area by means of materials approved for one-hour fire resistive construction applied to the garage side. Door openings between the garage and the residence shall be equipped with either solid wood doors not less than 1 3/8 inches (35 mm) thick, solid or honeycomb core steel doors not less than 1 3/8 inches (35 mm) thick or doors in compliance with Section 714.2.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted.

(4) Section 305.2 is deleted and replaced with the following:

305.2 Day care. The use of a building or structure, or portion thereof, for the educational, supervision or personal care services

for more than four children older than 2 1/2 years of age, shall be classified as a Group E occupancy.

Exception: Areas used for day care purposes may be located in a Group R-3 occupancy as provided in Section 310.1 and as applicable in Section 101.2.

(5) Section 308.5.2 is deleted and replaced with the following: 308.5.2 Child care facility. A facility, that provides supervision and personal care on less than a 24 hour basis for more than four children 2 1/2 years of age or less shall be classified as Group I-4.

Exception: Areas used for day care purposes may be located in a Group R-3 occupancy as provided in Section 310.1 and as applicable in Section 101.2.

(6) In Section 310.1 the R-3 section is deleted and replaced with the following:

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as R-1, R-2 or I and where buildings do not contain more than two dwelling units, or adult and child care facilities that provide accommodations for five or fewer persons of any age for less than 24 hours.

Areas used for day care purposes may be located in a Residential Group, R-3 occupancy provided the building substantially complies with the requirements for a dwelling unit and under all of the following conditions:

1. Compliance with the Utah Administrative Code, R710-8, Day Care Rules, as enacted under the authority of the Utah Fire Prevention Board.

2. Use is approved by the State Department of Health, as enacted under the authority of the Utah Child Care Licensing Act, UCA, Sections 26-39-101 through 26-39-110, and in any of the following categories:

a. Utah Administrative Code, R430-50, Residential Certificate Child Care Standards

b. Utah Administrative Code, R430-90, Licensed Family Child Care.

3. Compliance with all zoning regulations of the local regulator.

(7) A new section 310.4 is added as follows:

310.4 Floor-level exit signs. Where exit signs are required by section 1003.2.10.1, additional approved exit signs that are internally or externally illuminated, photoluminescent or self-luminous, shall be provided in all corridors serving guest rooms of R-1 occupancies. The bottom of such signs shall not be less than 6 inches (152 mm) nor more than 8 inches (203 mm) above the floor level and shall indicate the path of exit travel. For exit and exit access doors, the sign shall be on the door or adjacent to the door with the closest edge of the sign with 8 inches (203 mm) of the door frame.

(8) In section 403.10.1.1 the exception is deleted.

(9) In section 902, the definition for record drawings is deleted and replaced with the following:

RECORD DRAWINGS. Drawings ("as built") that document all aspects of a fire protection system as installed.

(10) In section 1002, the definition for exit discharge is deleted and replaced with the following:

EXIT DISCHARGE. That portion of a means of egress system between the termination of an exit and a public way or safe dispersal area.

(11) Section 1003.3.3.11.3 is amended to include the following exception at the end of the section:

Exception. Non-circular handrails serving an individual unit in a Group R-1, Group R-2 or Group R-3 occupancy shall be permitted to have a minimum cross sectional dimension of 3.28 inches (83 mm) measured 2 inches (51 mm) down from the top of the crown. Such handrail is required to have an indentation on both sides between 0.625 inch (16 mm) and 1.5 inches (38 mm) down from the top or crown of the cross section. The indentation shall be a minimum of 0.25 inch (6 mm) deep on each side and shall be at least 0.5 (13 mm) high. Edges within the handgrip shall have a minimum radius of 0.0625 inch (2 mm). The handrail surface shall be smooth with no cusps so as to avoid catching clothing or skin.

(12) The definition for EXIT DISCHARGE in section 1002 is deleted and replaced with the following:

EXIT DISCHARGE. That portion of a means of egress system between the termination of an exit and a public way or safe dispersal area.

(13) New sections 1006.2.3, 1006.2.3.1 and 1006.2.3.2 are added as follows:

1006.2.3 Safe dispersal areas. Where approved by the code official, the exit discharge is permitted to lead to a safe dispersal area on the same property as the structure being discharged. The proximity and size of such safe dispersal area shall be based on such factors as the occupant load served, the mobility of occupants, the type of construction of the building, the fire protection systems installed in the building, the height of the building and the degree of hazard of the occupancy. In any case, the entire safe dispersal area shall be located not less than 50 feet (15 420 mm) from the structure served.

1006.2.3.1 School ground fences and gates. School grounds shall be permitted to be fenced and gates therein equipped with locks, provided safe dispersal areas are located between the school and fence with the entire dispersal area no less than 50 feet (15 420mm) from school buildings. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m<sup>2</sup>) of net clear area per occupant.

1006.2.3.2 Reviewing stands, grandstands and bleachers. Safe dispersal areas serving reviewing stands, grandstands and bleachers shall accommodate a number of persons equal to the total capacity of the stand or building served. Safe dispersal area capacity shall be determined by providing a minimum of 3 square feet (0.28 m<sup>2</sup>) of net clear area per occupant.

(14) Section 1207.4 subparagraph 1 is deleted and replaced with the following:

1. The unit shall have a living room of not less than 165 square feet (15.3 m) of floor area. An additional 100 square feet (9.3 m) of floor area shall be provided for each occupant of such unit in excess of two.

(15) In Section 1605.2.1, the formula shown as  $f_2 = 0.2$  for other roof configurations" is deleted and replaced with the following:

$f_2 = 0.20 + .025(A-5)$  for other configurations where roof snow load exceeds 30 psf

$f_2 = 0$  for roof snow loads of 30 psf (1.44kN/m<sup>2</sup>) or less.

Where A = Elevation above sea level at the location of the structure (ft/1000).

(16) In Section 1605.3.1 and section 1605.3.2, Exception number 2 in each section is deleted and replaced with the following:

Falt roof snow loads of 30 pounds per square foot (1.44 kNm<sup>2</sup>) or less need not be combined with seismic loads. Where flat roofs exceed 30 pounds per square foot (1.44 kNm<sup>2</sup>), the snow loads may be reduced in accordance with the following in load combinations including both snow and seismic loads.

$$W_s = (0.20 + 0.025(A-5))P_f$$

Where

W<sub>s</sub> = Weight of snow to be included, psf

A = Elevation above sea level at the location of the structure (ft/1000)

P<sub>f</sub> = Design roof snow load, psf

(17) Section 1608.1 is deleted and replaced with the following:

Except as modified in section 1608.1.1, design snow loads shall be determined in accordance with Section 7 of ASCE 7, but the design roof load shall not be less than that determined by Section 1607.

(18) Section 1608.1.1 is added as follows:

1608.1.1 Utah Snow Loads. The ground snow load, P<sub>g</sub>, to be used in the determination of design snow loads for buildings and other structures shall be determined by using the following formula: P<sub>g</sub> = (P<sub>o</sub><sup>2</sup> + S<sup>2</sup>(A-A<sub>o</sub>)<sup>2</sup>)<sup>0.5</sup> for A greater than A<sub>o</sub>, and P<sub>g</sub> = P<sub>o</sub> for A less than or equal to A<sub>o</sub>.

WHERE

P<sub>g</sub> = Ground snow load at a given elevation (psf)

P<sub>o</sub> = Base ground snow load (psf) from Table No. 1608.1.1(a)

S = Change in ground snow load with elevation (psf/100 ft.)

From Table No. 1608.1.1(a)

A = Elevation above sea level at the site (ft./1000)

A<sub>o</sub> = Base ground snow elevation from Table 1608.1.1(a)

The building official may round the roof snow load to the nearest 5 psf. The ground snow load, P<sub>g</sub>, may be adjusted by the building official when a licensed engineer or architect submits data substantiating the adjustments. A record of such action together with the substantiating data shall be provided to the division for a permanent record.

The building official may also directly adopt roof snow loads in accordance with Table 1608.1.1(b), provided the site is no more than 100 ft. higher than the listed elevation.

Where the minimum roof live load in accordance with section 1607.11 is greater than the design roof snow load, such roof live load shall be used for design, however, it shall not be reduced to a load lower than the design roof snow load. Drifting need not be considered for roof snow loads less than 20 psf.

(19) Table 1608.1.1(a) and Table 1608.1.1(b) are added as follows:

TABLE NO. 1608.1.1(a)  
STATE OF UTAH - REGIONAL SNOW LOAD FACTORS

COUNTY	P <sub>o</sub>	S	A <sub>o</sub>
Beaver	43	63	6.2
Box Elder	43	63	5.2
Cache	50	63	4.5
Carbon	43	63	5.2
Daggett	43	63	6.5
Davis	43	63	4.5
Duchesne	43	63	6.5
Emery	43	63	6.0
Garfield	43	63	6.0
Grand	36	63	6.5

Iron	43	63	5.8
Juab	43	63	5.2
Kane	36	63	5.7
Millard	43	63	5.3
Morgan	57	63	4.5
Piute	43	63	6.2
Rich	57	63	4.1
Salt Lake	43	63	4.5
San Juan	43	63	6.5
Sanpete	43	63	5.2
Sevier	43	63	6.0
Summit	86	63	5.0
Tooele	43	63	4.5
Uintah	43	63	7.0
Utah	43	63	4.5
Wasatch	86	63	5.0
Washington	29	63	6.0
Wayne	36	63	6.5
Weber	43	63	4.5

TABLE NO. 1608.1.1(b)  
RECOMMENDED SNOW LOADS FOR SELECTED UTAH CITIES AND TOWNS

	Roof Snow Load (PSF)	Ground Snow Load (PSF)
Beaver County		
Beaver	5920 ft. 43	62
Box Elder County		
Brigham City	4300 ft. 30	43
Tremonton	4290 ft. 30	43
Cache County		
Logan	4530 ft. 35	50
Smithfield	4595 ft. 35	50
Carbon County		
Price	5550 ft. 30	43
Daggett County		
Manila	5377 ft. 30	43
Davis County		
Bountiful	4300 ft. 30	43
Farmington	4270 ft. 30	43
Layton	4400 ft. 30	43
Fruit Heights	4500 ft. 40	57
Duchesne County		
Duchesne	5510 ft. 30	43
Roosevelt	5104 ft. 30	43
Emery County		
Castledale	5660 ft. 30	43
Green River	4070 ft. 25	36
Garfield County		
Panguitch	6600 ft. 30	43
Grand County		
Moab	3965 ft. 25	36
Iron County		
Cedar City	5831 ft. 30	43
Juab County		
Nephi	5130 ft. 30	43
Kane County		
Kanab	5000 ft. 25	36
Millard County		
Millard	5000 ft. 30	43
Delta	4623 ft. 30	43
Morgan County		
Morgan	5064 ft. 40	57
Piute County		
Piute	5996 ft. 30	43
Rich County		
Woodruff	6315 ft. 40	57
Salt Lake County		
Murray	4325 ft. 30	43
Salt Lake City	4300 ft. 30	43
Sandy	4500 ft. 30	43
West Jordan	4375 ft. 30	43

West Valley	4250 ft.	30	43
San Juan County			
Blanding	6200 ft.	30	43
Monticello	6820 ft.	35	50
Sanpete County			
Fairview	6750 ft.	35	50
Mt. Pleasant	5900 ft.	30	43
Manti	5740 ft.	30	43
Ephraim	5540 ft.	30	43
Gunnison	5145 ft.	30	43
Sevier County			
Salina	5130 ft.	30	43
Richfield	5270 ft.	30	43
Summit County			
Coalville	5600 ft.	60	86
Kamas	6500 ft.	70	100
Park City	6400 ft.	85	121
Summit Park	7200 ft.	90	128
Tooele County			
Tooele	5100 ft.	30	43
Utah County			
Vernal	5280 ft.	30	43
Utah County			
American Fork	4500 ft.	30	43
Orem	4650 ft.	30	43
Pleasant Grove	5000 ft.	30	43
Provo	5000 ft.	30	43
Spanish Fork	4720 ft.	30	43
Wasatch County			
Heber	5630 ft.	60	86
Washington County			
Central	5209 ft.	25	36
Dameron	4550 ft.	25	36
Leeds	3460 ft.	20	29
Rockville	3700 ft.	25	36
Santa Clara	2850 ft.	15 (1)	21
St. George	2750 ft.	15 (1)	21
Wayne County			
Loa	7080 ft.	30	43
Hanksville	4308 ft.	25	36
Weber County			
North Ogden	4500 ft.	40	57
Ogden	4350 ft.	30	43

NOTES

(1) The IBC requires a minimum live load - See 1607.11.2.

(20) Section 1608.2 is deleted and replaced with the following:

1608.2 Ground Snow Loads. The ground snow loads to be used in determining the design snow loads for roofs in states other than Utah are given in Figure 1608.2 for the contiguous United States and Table 1608.2 for Alaska. Site-specific case studies shall be made in areas designated CS in figure 1608.2. Ground snow loads for sites at elevations above the limits indicated in Figure 1608.2 and for all sites within the CS areas shall be approved. Ground snow load determination for such sites shall be based on an extreme value statistical analysis of data available in the vicinity of the site using a value with a 2-percent annual probability of being exceeded (50-year mean recurrence interval). Snow loads are zero for Hawaii, except in mountainous regions as approved by the building official.

(21) Section 1614.2 is deleted and replaced with the following:

1614.2 Change in Occupancy. When a change of occupancy results in a structure being reclassified to a higher Seismic Use Group, or when such change of occupancy results in a design

occupant load increase of 100% or more, the structure shall conform to the seismic requirements for a new structure.

Exceptions:

1. This is not required if the design occupant load increase is less than 25 persons and the Seismic Use Group does not change.

2. Specific detailing provisions required for a new structure are not required to be met where it can be shown an equivalent level of performance and seismic safety contemplated for a new structure is obtained. Such analysis shall consider the regularity, overstrength, redundancy and ductility of the structure within the context of the specific detailing provided. Alternatively, the building official may allow the structure to be upgraded in accordance with the latest edition of the "Guidelines for Seismic Rehabilitation of Existing Buildings" or another nationally recognized standard for retrofit of existing buildings.

(22) In Section 1616.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads of 30 psf or less need not be included. Where the roof snow load exceeds 30 psf, the snow load shall be included, but may be adjusted in accordance with the following formula:  $W_s = (0.20 + 0.025(A-5))P_r$

WHERE:

$W_s$  = Weight of snow to be included in seismic calculation;

A = Elevation above sea level at the location of the structure (ft/1000)

$P_r$  = Design roof snow load, psf

For the purposes of this section, snow load shall be assumed uniform on the roof footprint without including the effects of drift or sliding.

(23) In Section 1617.2.2, the fourth definition of  $r_{max}$  is deleted and replaced with the following:

=For shear walls,  $r_{max}$  shall be taken as the maximum value of the product of the shear in the wall or wall pier and  $10/l_w$  (3.3/ $l_w$  for SI), divided by the story shear, where  $l_w$  is the length of the wall or wall pier in feet (m). The ratio  $10/l_w$  need not be taken greater than 1.0 for buildings of light frame construction.

(24) In Section 1617.4.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(25) In Section 1617.5.1, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(26) In Section 1618.4, Definition of W, Item 4 is deleted and replaced with the following:

4. Roof snow loads to be included shall be as outlined in section 1616.4.1, Definition of W, Item 4, as amended.

(27) Section 1805.5 is deleted and replaced with the following:

1805.5 Foundation walls. Concrete and masonry foundation walls shall be designed in accordance with Chapter 19 or 21. Foundation walls that are laterally supported at the top and bottom and within the parameters of Tables 1805.5(1) through 1805.5(4) are permitted to be designed and constructed in accordance with Sections 1805.5.1 through 1805.5.4 and 1805.5.8 through 1805.5.8.2. Concrete foundation walls may also be constructed in accordance with Section 1805.5.9.

(28) New sections 1805.5.8, 1805.5.8.1 1805.5.8.2 and 1805.5.9 are added as follows:

1805.5.8 Seismic requirements. Tables 1805.5(1) through 1805.5(4) shall be subject to the following limitations based on the seismic design category assigned to the structure as defined in Section 1616.

1805.5.8.1 Seismic requirements for concrete foundation walls. Concrete foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. Provide two No. 5 bars around window and door openings. Such bars shall extend at least 24 inches (610 mm) beyond the corners of the openings.

2. Seismic Design Category C. Tables shall not be used except as permitted for plain concrete members in Section 1910.4.

3. Seismic Design Categories D, E and F. Tables shall not be used except as allowed for plain concrete members in ACI 318, Section 22.10.

1805.5.1.2. Seismic requirements for masonry foundation walls. Masonry foundation walls constructed using Tables 1805.5(1) through 1805.5(4) shall be subject to the following:

1. Seismic Design Category A and B. No additional seismic requirements.

2. Seismic Design Category C. The requirements of Section 2106.4 shall apply.

3. Seismic Design Category D. The requirements of Section 2106.5 shall apply.

4. Seismic Design Categories E and F. The requirements of Section 2106.6 shall apply.

1805.5.9 Empirical foundation design. Group R, Division 3 Occupancies three stories or less in height, and Group U Occupancies, which are constructed in accordance with Section 2308, or with other methods employing repetitive wood-frame construction or repetitive cold-formed steel structural member construction, shall be permitted to have concrete foundations constructed in accordance with Table 1805.5.9.

(29) Table 1805.5.9 is added as follows:

TABLE 18-1-D  
Empirical Foundation Walls (1,8)

Max. Height	2'	4'	6'	8'	9'	Over 9'
	(610 mm)	(1219 mm)	(1829 mm)	(2438 mm)	(2743 mm)	(2743 mm)
Top Edge Support	None	None	Floor or roof dia-phragm(6)	Same as 6'	Same as 6'	Engr - neering required
Minimum Thickness	6"	6"	8"	8"	8"	Same as above
Vertical Steel (2)(5)	Note #4 @ 32"	#4 @ 24"	#4 @ 24"	#4 @ 24"	#4 @ 16"	Same as above
Horizontal Steel (3)	2-#4 Bars	4-#4 Bars	5-#4 Bars	6-#4 Bars	7-#4 Bars	Same as above
Steel at Openings (4)	2-#4 Bars above; 1-#4 Bar each side	Same as above				

	1-#4 Bar below	1-#4 Bar below	1-#4 Bar below	1-#4 Bar below	1-#4 Bar below	
Max. Lintel Length	2'	3'	6'	6'	6'	Same as above
	(610mm)	(914mm)	(1829mm)	(1829mm)	(1829mm)	
Min. Lintel Depth	2" for each ft. of opening width; Min. 6"	Same as 2'	Same as 2'	Same as 2'	Same as 2'	Same as above

Notes:

(1) Based on 3,000 psi (20.6 Mpa) concrete and 60,000 psi (414 Mpa) reinforcing steel.

(2) To be placed in the center of the wall, and extend from the footing to within three inches (76 mm) of the top of the wall; dowels of #4 bars to match vertical steel placement shall be provided in the footing, extending 24 inches (610 mm) into the foundation wall.

(3) One bar shall be located in the top four inches (102 mm), one bar in the bottom four inches (102 mm) and the other bars equally spaced between. Such bar placement satisfies the requirements of Section 1805.9. Corner reinforcing shall be provided so as to lap 24 inches (610 mm).

(4) Bars shall be placed within two inches (51 mm) of the openings and extend 24 inches (610 mm) beyond the edge of the opening; vertical bars may terminate three inches (76 mm) from the top of the concrete.

(5) Dowels of #4 bar at 32 inches on center shall be provided in the footing, extending 18 inches (457 mm) into the foundation wall.

(6) Diaphragm shall conform to the requirements of Section 2308.

(7) Footing shall be a minimum of nine inches thick by 20 inches wide.

(8) Soil backfill shall be soil classification types GW, GP, SW, or PS, per Table 1610.1. Soil shall be submerged or saturated in groundwater.

(30) A new section 2902.1.1 is added as follows:

2902.1.1 Unisex toilets and bath fixtures. Fixtures located within unisex toilet and bathing rooms complying with section 2902 are permitted to be included in determining the minimum number of fixtures for assembly and mercantile occupancies.

(31) A new section 2306.1.4 is added as follows:

2306.1.4 The allowable stress increase of 1.15 for snow load, shown in Table 2.3.2, Load Duration Factors, C<sub>s</sub> of the National Design Specifications, shall not be utilized at elevations above 5,000 feet (1524 M).

(32) A new section 3402.5 is added as follows:

3402.5 Parapets and other appendages. Building constructed prior to 1975 with parapet walls, cornices, spires, towers, tanks, signs, statuary and other appendages shall have such appendages evaluated by a licensed engineer to determine resistance to design loads specified in this code when said building is undergoing reroofing, or alteration of or repair to said feature.

EXCEPTION: Group R-3 an U occupancies.

Original Plans and/or structural calculations may be utilized to demonstrate that the parapet or appendages are structurally adequate. When found to be deficient because of design or deteriorated condition, the engineer shall prepare specific recommendations to anchor, brace, reinforce or remove the deficient feature.

The maximum height of an unreinforced masonry parapet above the level of the diaphragm tension anchors or above the parapet braces shall not exceed one and one-half times the thickness of the parapet wall. The parapet height may be a maximum of two and one-half times its thickness in other than Seismic Design Categories D, E, or F. If the required parapet height exceeds this maximum height, a bracing system designed using the coefficients specified in Table 1621.2 shall support the top of the parapet. When positive diaphragm connections are absent, tension roof anchors shall be added. Approved alternative methods of equivalent strength will be considered when accompanied by engineer sealed drawings, details and calculations.

(33) Section 3408.1 is deleted and replaced with the following:

3408.1 Scope: The provision of sections 3408.2 through 3408.5 apply to maintenance, change of occupancy, additions and alterations to existing buildings, including those identified as historic buildings.

Exceptions:

1. When maintenance, additions or alteration occur, Type B dwelling units required by section 1107.5.4 are not required to be provided in existing buildings and facilities.

2. When a change of occupancy in a building or portion of a building results in multiple dwelling units as determined in section 1107.5.4, not less than 20 percent of the dwelling units shall be Type B dwelling units. These dwelling units may be located on any floor of the building provided with an accessible route. Two percent, but not less than one, of the dwelling units shall be Type A dwelling units.

(34) Referenced standards number 1557-91 under ASTM in chapter 35 is deleted and replaced with the following:

TABLE		
Standard Number	Title	Code Section
D1557-91 E01	Laboratory Compaction Characteristics of soil using Modified Effort	1508.15.2 K1.1.2, K1.7.5

(35) A new appendix K, Grading, is added as follows:

APPENDIX K - GRADING

K1.1 GENERAL

K1.1.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the soils report, the soils report shall govern.

K1.1.2 Standards. The following standards of quality shall apply:

1. ASTM D1557-91 E01, Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort (56,000 ft-lb/ft).

K1.2 DEFINITIONS

K1.2.1 Definitions. For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

COMPACTION. The densification of a fill by mechanical means.

CUT. See Excavation.

DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADING. An excavation or fill or combination thereof.

KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

K1.3 PERMITS REQUIRED

K1.3.1 Permits required. Except as exempted in Section K1.3.2, no grading shall be performed without first having obtained a permit therefor from the building official. A grading permit does not include the construction of retaining walls or other structures.

K1.3.2 Exemptions. A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.

2. Excavation for construction of a structure permitted under this code.

3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells, or trenches for utilities.

6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.

7. Exploratory excavations performed under the direction of a registered design professional for the sole purpose of preparing a soils report.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. The listed exemptions shall not apply to areas located in a floodway or floodplain regulated under Appendix G.

K1.4 PERMIT APPLICATION AND SUBMITTALS

K1.4.1 Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

K1.4.2 Site plan requirements. In addition to the provisions of Section 106, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

K1.4.3 Soils report. A soils report prepared by registered design professionals shall be provided which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception: A soils report is not required where the building official determines that the nature of the work applied for is such that a report is not necessary.

K1.4.4 Liquefaction study. For sites with mapped maximum considered earthquake spectral response accelerations at short period (S) greater than 0.5g as determined by Section 1615, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

Exception: A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.

#### K1.5 INSPECTIONS

K1.5.1 General. Inspections shall be governed by Section 109 of this code.

K1.5.2 Special inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the building official.

#### K1.6 EXCAVATIONS

K1.6.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50%) unless the applicant furnishes a soils report justifying a steeper slope.

Exceptions:

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67%) provided that all the following are met:

- (a) it is not intended to support structures or surcharges;
- (b) it is adequately protected against erosion;
- (c) it is no more than 8 feet (2438 mm) in height; and
- (d) it is approved by the building official.

2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100%).

#### K1.7 FILLS

K1.7.1 General. Unless otherwise recommended in the soils report, fills shall conform to provisions of this section.

K1.7.2 Surface preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

K1.7.3 Benching. Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20%) and the depth of the fill exceeds five feet (1524 mm) benching shall be provided in accordance with Figure K1.7.3 dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference. A key shall be provided which is at least 10 feet (3048 mm) in width and two feet (610 mm) in depth.

K1.7.4 Fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305mm) in any dimension shall be included in fills.

K1.7.5 Compaction. All fill material shall be compacted to 90% of maximum density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

K1.7.6 Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 horizontal to 1 vertical (50%) shall be justified by soils reports or engineering data.

#### K1.8 SETBACKS

K1.8.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure K1.8.1, dated July 1, 2001, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational and Professional Licensing, which is hereby adopted and incorporated by reference, unless substantiating data is submitted justifying reduced setbacks.

K1.8.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure K1.8.1, or than is required to accommodate any required interceptor drains, whichever is greater.

K1.8.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure K1.8.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

#### K1.9 DRAINAGE AND TERRACING

K1.9.1 General. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33%).

K1.9.2 Terraces. Terraces at least six feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5%) and shall be paved with concrete not less than three inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of five feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m<sup>2</sup>) (projected) without discharging into a down drain.

K1.9.3 Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet, measured horizontally. They shall have a minimum depth of one foot (305 mm) and a minimum width of three feet (915 mm). The slope shall be approved by the building official, but shall not be less than 50 horizontal to 1 vertical (2%).

The drain shall be paved with concrete not less than three inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official.

K1.9.4 Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.

K1.10 EROSION CONTROL

K1.10.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

K1.10.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

**R156-56-705. Local Amendments to the [UBC]IBC.**

The following are adopted as amendments to the [UBC]IBC to be applicable to the following jurisdictions:

- ~~(1) Beaver County:~~
- ~~Appendix Chapter 3, Division II is adopted.~~
- ~~(2) City of Farmington:~~
- ~~Section 904.2.10 is adopted as follows:~~
- ~~904.2.10 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when any of the following conditions are present:~~
  - ~~1. The structure is over two stories high, as defined by the building code;~~
  - ~~2. The nearest point of structure is more than 150 feet from the public way;~~
  - ~~3. The total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or~~
  - ~~4. The structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply):~~
    - ~~Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless required by the Chief.~~
- ~~(3) Heber City Corporation:~~
- ~~Appendix Chapter 33 is adopted.~~
- ~~(4) Murray City Corporation:~~
- ~~Appendix Chapter 3 Division II, Appendix Chapter 31 Division III, and Appendix Chapter 33 are adopted.~~
- ~~(5) City of North Salt Lake:~~
- ~~Appendix Chapter 3, except Section 332, Appendix Chapter 9, Appendix Chapter 12, Division I, Appendix Chapter 15,~~

~~Appendix Chapter 31, Division II and III and Appendix Chapter 33 are adopted:~~

- ~~(6) City of Orem:~~
- ~~Appendix Chapter 3, Division I, Appendix Chapter 3, Division II, Appendix Chapter 31, Division III, and Appendix Chapter 33 are adopted:~~
- ~~(7) Park City Corporation:~~
  - ~~(a) Chapter 9, Section 904.2.1 is amended by adding the following sections:~~
    - ~~904.2.1.1 All new construction having more than 6,000 square feet on any one floor, except R-3 occupancy.~~
    - ~~904.2.1.2 All new construction having more than two (2) stories, except R-3 occupancy.~~
    - ~~904.2.1.3 All new construction having three (3) or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.~~
    - ~~904.2.1.4 All new construction in the Historic Commercial Business zone district, regardless of occupancy.~~
    - ~~904.2.1.5 All new construction and buildings in the General Commercial zone district where there are side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5) feet per story of height.~~
    - ~~904.2.1.6 All existing building within the Historic District Commercial Business zone by August 15, 1996.~~
  - ~~(b) Chapter 15, Table No. 15-A. The following is added as footnote 5:~~
    - ~~5 Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors:~~

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Piñon-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited

- ~~(c) Chapter 33, Section 3306.2 is amended as follows:~~
  - ~~Omit paragraph 1 and add a period after the word "excavation" in the third line of paragraph 2 and omit "nor exempt any excavation having an unsupported height greater than 5 feet after the completion of such structure". Delete paragraphs 8 and 9. Re-number the sections and add a new paragraph 7 requiring a permit for removal of substantial vegetation, shrubs, trees and stabilizing grass, but not to include weeds.~~
- ~~(d) Appendix Chapter 3 Division II, Chapter 4 Division II, Chapter 12 Division II, Chapter 13, Chapter 15, Chapter 30, Chapter 31 Division I and Chapter 33 are adopted:~~
- ~~(8) Salt Lake County:~~
- ~~Chapter 15, Chapter 16, Division III, Chapter 31, Division II, Chapter 31, Division III and Chapter 33 are adopted.~~
- ~~(9) City of St. George:~~
- ~~Appendix Chapter 3 and Appendix Chapter 33 are adopted.~~
- ~~(10) Sandy City:~~
- ~~Chapter 9, Section 904.2 is amended as follows:~~

— An automatic fire sprinkler system shall be installed in all occupancies where the required fire flow exceeds 2,000 gallons per minute based on Table A-III-A-1 of the 1994 Uniform Fire Code.

— Exception: Automatic fire sprinklers are not required in buildings used solely for worship, Group R, Division 3 and Group U occupancies:

- (11) Summit County:
  - (a) Appendix Chapter 33 is adopted;
  - (b) Chapter 9, Section 904.2 is amended to include:
    - 1. All new construction having more than 6,000 square feet on any one floor, except R-3 and U occupancies;
    - 2. All new construction having more than two (2) stories, except R-3 and U occupancies;
    - 3. All new construction having three (3) or more dwelling units, including units rented or leased and including condominiums or other separate ownership;
    - 4. All newly constructed structures used as dwelling units in a multi-unit structure shall have at least an one-hour fire resistive separation between units.

- (12) Washington City:
  - Appendix Chapter 33 is adopted;
- (13) City of West Jordan:
  - Appendix Chapter 3, Division II, Appendix Chapter 4, Division II, Appendix Chapter 13 and Appendix Chapter 33 are adopted; (1) City of Farmington:

Section 903.2.16 is adopted as follows:

903.2.16 Group R, Division 3 Occupancies. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when any of the following conditions are present:

- 1. The structure is over two stories high, as defined by the building code;
- 2. The nearest point of structure is more than 150 feet from the public way;
- 3. The total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or
- 4. The structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply).

Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless required by the Chief.

(2) Park City Corporation:

Section 903.2 is deleted and replaced with the following:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the location described in this section.

All new construction having more than 6,000 square feet on any one floor, except R-3 occupancy.

All new construction having more than two (2) stories, except R-3 occupancy.

All new construction having three (3) or more dwelling units, including units rented or leased, and including condominiums or other separate ownership.

All new construction in the Historic Commercial Business zone district, regardless of occupancy.

All new construction and buildings in the General Commercial zone district where there are side yard setbacks or where one or more side yard setbacks is less than two and one half (2.5) feet per story of height.

All existing building within the Historic District Commercial Business zone.

In Section 1505.1, the following is added as footnote d:

d. Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE  
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited

Appendix C is adopted.

**R156-56-707. Statewide Amendments to the IPC.**

The following are adopted as amendments to the IPC to be applicable statewide:

- (1) [Section 103.1 is deleted in its entirety.
- (2) Section 103.2 is deleted in its entirety.
- (3) Section 103.3 is deleted in its entirety.
- (4) Section 103.4 is deleted in its entirety.
- (5) Section 103.5 is renumbered as Section 103.1.
- (6) Section 107.1.1 is deleted in its entirety.
- (7) Section 109 is retitled as "Board of Appeal".
- (8) Section 109.1 is deleted and replaced with the following:
  - 109.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a local board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The code official shall be an ex officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and finding in writing to the appellant with a duplicate copy to the code official.
  - (9) Sections 109.2 through 109.7 are deleted in their entirety.
  - (10) In Section 202, the definition for "Backflow Backpressure, Low Head" is deleted in its entirety.

(11) In Section 202, the definition for "Backsiphonage" is deleted and replaced with the following:

Backsiphonage. The backflow of potentially contaminated, polluted or used water into the potable water system as a result of the pressure in the potable water system falling below atmospheric

pressure of the plumbing fixtures, pools, tanks or vats connected to the potable water distribution piping.

(~~12~~3) In Section 202, the following definition is added:

Certified Backflow Preventer Assembly Tester. A person who has shown competence to test Backflow prevention assemblies to the satisfaction of the authority having jurisdiction under Subsection 19-4-104(4), Utah Code Ann. (1953), as amended.

(~~13~~4) In Section 202, the definition for "Cross Connection" is deleted and replaced with the following:

Cross Connection. Any physical connection or potential connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown or questionable safety or steam, gas or chemical, whereby there exists the possibility for flow from one system to the other, with the direction of flow depending on the pressure differential between the two systems (see "Backflow").

(~~14~~5) In Section 202, the following definition is added:

Heat Exchanger (Potable Water). A device to transfer heat between two physically separated fluids (liquid or steam), one of which is potable water.

(~~15~~6) In Section 202, the definition for "Potable Water" is deleted and replaced with the following:

Potable Water. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Titles 19-4 and 19-5, Utah Code Ann. (1953), as amended and the regulations of the public health authority having jurisdiction.

(~~16~~7) In Section 202, the definition for "Water Heater" is deleted and replaced with the following:

Water Heater. A closed vessel in which water is heated by the combustion of fuels or electricity and is withdrawn for use external to the system at pressures not exceeding 160 psig (1100 kPa (gage)), including the apparatus by which heat is generated, and all controls and devices necessary to prevent water temperatures from exceeding 210 degrees Fahrenheit (99 degrees Celsius).

(~~17~~8) Section 305.10 is added as follows:

Section 305.10 Improper Connections. No drain, waste, or vent piping shall be drilled and tapped for the purpose of making connections.

(~~18~~9) Section 312.9 is deleted in its entirety and replaced with the following:

312.9 Backflow assembly testing. The premise owner or his designee shall have backflow prevention assemblies operation tested at the time of installation, repair and relocation and at least on an annual basis thereafter, or more frequently as required by the authority having jurisdiction. Testing shall be performed by a Certified Backflow Preventer Assembly Tester. The assemblies that are subject to this paragraph are the Spill Resistant Vacuum Breaker, the Pressure Vacuum Breaker Assembly, the Double Check Backflow Prevention Assembly, the Double Check Detector Assembly Backflow Preventer, the Reduced Pressure Principle Backflow Preventer, and Reduced Pressure Detector Assembly, and the spring loaded check valve assembly described in Section 608.16.4.

(~~19~~10) Section 403.1 is deleted and replaced with the following:

403.1 Minimum number of fixtures. Plumbing fixtures shall be provided for the type of occupancy and in the minimum number

shown in [~~Appendix Chapter 29, Uniform Building Code~~]the International Building Code.

(~~20~~11) Table 403.1 is deleted in its entirety.

(~~21~~12) Section 403.2 is deleted and replaced with the following:

403.2 Hand sink location. Hand sinks in commercial food establishments shall be located accessible to food preparation areas, food service areas, dishwashing areas, and toilet rooms in accordance with Rule R392-100, Utah Administrative Code. Hand sinks in child care facilities shall be installed in accordance with R430-100-21, Utah Administrative Code.

(~~22~~13) Sections 403.4, 403.5 and 403.6 are deleted in their entirety.

(~~23~~14) Section 412.5 is added as follows:

412.5 Public toilet rooms. All public toilet rooms shall be equipped with at least one of the following:

1. one floor drain with a wall mounted hose bibb;
2. one floor drain with a deep seal trap; or
3. at least one emergency floor drain with trap primer.

(~~24~~15) Section 418.1 is deleted and replaced with the following:

418.1 Approval. Sinks shall conform to ANSI Z124.6, ASME A112.19.1, ASME A112.19.2, ASME A112.19.3, ASME A112.19.4, ASME A112.19.9, CSA B45.1, CSA B45.2, CSA B45.3, CSA B45.4 or NSF 2.

(16) Section 502.4 is deleted in its entirety.

(~~25~~17) Section 502.6 is deleted and replaced with the following:

502.6 Water Heater Seismic Bracing. Water heaters shall be anchored or strapped in the upper third of the appliance to resist a horizontal force equal to one third the operating weight of the water heater, acting in any horizontal direction, or in accordance with the appliance manufacturers recommendations.

(~~26~~18) Section 504.6.2 is deleted and replaced with the following:

504.6.2 Material. Relief valve discharge piping shall be of those materials listed in Section 605.5 or shall be tested, rated and approved for such use in accordance with ASME A112.4.1. Piping from safety pan drains shall be of those material listed in Table 605.5 and Table 701.1.

(~~27~~19) Section 504.7.1 is amended as follows:

The measurement of "3/4 inch" in the last sentence of the paragraph is replaced with the measurement "1 1/2 inch".

(~~28~~20) Section 602.3 is deleted and replaced with the following:

602.3 Individual water supply. Where a potable public water supply is not available, individual sources of potable water supply shall be utilized provided that the source has been developed in accordance with Sections 73-3-1 and 73-3-25, Utah Code Ann. (1953), as amended, as administered by the Department of Natural Resources, Division of Water Rights. In addition, the quality of the water shall be approved by the local health department having jurisdiction. The source shall supply sufficient quantity of water to comply with the requirements of this chapter.

(~~29~~21) Sections 602.3.1, 602.3.2, 602.3.3, 602.3.4, 602.3.5 and 602.3.5.1 are deleted in their entirety.

(~~30~~22) Section 604.4.1 is added as follows:

604.4.1 Metering faucets. Self closing or metering faucets shall provide a flow of water for at least 15 seconds without the need to reactivate the faucet.

(~~31~~23) Section 606.2 is deleted and replaced with the following:

606.2 Location of shutoff valves. Shutoff valves shall be installed in the following locations:

1. On the fixture supply to each plumbing fixture.

Exceptions:

A. bath tubs and showers.

B. in individual guest rooms that are provided with unit shutoff valves in hotels, motels, boarding houses and similar occupancies.

2. On the water supply pipe to each appliance or mechanical equipment.

(~~32~~24) Section 606.5 is deleted and replaced with the following:

606.5 Water pressure booster systems. Water pressure booster systems shall be provided as required by Section 606.5.1 through 606.5.11.

(~~33~~25) Section 606.5.11 is added as follows:

606.5.11 Prohibited installation. In no case shall a booster pump be allowed that will lower the pressure in the public main to less than 20 psi.

(~~34~~26) In Section 608.1, the following sentence is added at the end of the paragraph:

Connection without an air gap between potable water piping and sewer-connected waste shall not exist under any condition.

(~~35~~27) Table 608.1 is deleted and replaced with the following:

TABLE 608.1  
General Methods of Protection

Assembly (applicable standard)	Degree of Hazard	Application	Installation Criteria
Air Gap (ASME A112.1.2)	High or Low	Backsiphonage	See Table 608.15.1
Reduced Pressure Principle Backflow Preventer (AWWA C511, USC-FCCCHR, ASSE 1013 CSA CNA/CSA-B64.4) and Reduced Pressure Detector Assembly (ASSE 1047, USC-FCCCHR)	High or Low	Backpressure or Backsiphonage 1/2" - 16"	<ol style="list-style-type: none"> <li>a. The bottom of each RP assembly shall be a minimum of 12 inches above the ground or floor.</li> <li>b. RP assemblies shall NOT be installed in a pit.</li> <li>c. The relief valve on each RP assembly shall not be directly connected to any waste disposal line, including sanitary sewer, storm drains, or vents.</li> <li>d. The assembly shall be installed in a horizontal position only unless listed</li> </ol>

Double Check Backflow Prevention Assembly (AWWA C510, USC-FCCCHR, ASSE 1015) Double Check Detector Assembly Backflow Preventer (ASSE 1048, USC-FCCCHR)

Pressure Vacuum Breaker Assembly (ASSE 1020, USC-FCCCHR)

Spill Resistant Vacuum Breaker (ASSE 1056, USC-FCCCHR)

Atmospheric Vacuum Breaker (ASSE 1001 USC-FCCCHR, CSA CAN/CSA-B64.1.1)

Low Backsiphonage 1/2" - 16"

High or Low Backsiphonage 1/2" - 2"

High or Low Backsiphonage 1/4" - 2"

High or Low Backsiphonage

or approved for vertical installation.

- a. If installed in a pit, the DC assembly shall be installed with a minimum of 12 inches of clearance between all sides of the vault including the floor and roof or ceiling with adequate room for testing and maintenance.
- b. Shall be installed in a horizontal position unless listed or approved for vertical installation.

- a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.
- b. Shall be installed a minimum of 12 inches above all downstream piping and the highest point of use.
- c. Shall not be installed below ground or in a vault or pit.
- d. Shall be installed in a vertical position only.

- a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.
- b. Shall be installed a minimum of ~~6~~12 inches above all downstream piping and the highest point of use.
- c. Shall not be installed below ground or in a vault or pit.
- d. Shall be installed in a vertical position only.

- a. Shall not be installed in an area that could be subjected to backpressure or back drainage conditions.

General Installation Criteria

b. Shall not be installed where it may be subjected to continuous pressure for more than 12 consecutive hours at any time.

c. Shall be installed a minimum of six inches above all downstream piping and the highest point of use.

d. Shall be installed on the discharge (downstream) side of any valves.

e. The AVB shall be installed in a vertical position only.

The assembly owner, when necessary, shall provide devices or structures to facilitate testing, repair, and/or maintenance and to insure the safety of the backflow technician. Assemblies shall not be installed more than five feet off the floor unless a permanent platform is installed.

The body of the assembly shall not be closer than 12 inches to any wall, ceiling or incumbrance, and shall be accessible for testing, repair and/or maintenance.

In cold climates, assemblies shall be protected from freezing by a means acceptable to the code official.

Assemblies shall be maintained as an intact assembly.

Dual check valve Backflow Preventer	Low	Backsiphonage or Backpressure 1/4" - 1"	ASSE 1024
Backflow Preventer with Intermediate Atmospheric Vent	Low Residential Boiler	Backsiphonage or Backpressure 1/4" - 3/4"	ASSE 1012 CSA CAN/ CSA-B64.3
Dual check valve type Backflow Preventer for Carbonated Beverage Dispensers/Post Mix Type	Low	Backsiphonage or Backpressure 1/4" - 3/8"	ASSE 1032
Hose-connection Vacuum Breaker	Low	Backsiphonage 1/2", 3/4", 1"	ASSE 1011 CSA CAN/ CSA-B64.2
Vacuum Breaker Wall Hydrants, Frost-resistant, Automatic Draining Type	Low	Backsiphonage 3/4", 1"	ASSE 1019 CSA CAN/ CSA-B64.2.2
Laboratory Faucet Backflow Preventer	Low	Backsiphonage	ASSE 1035 CSA CAN/ CSA-B64.7
Hose Connection Backflow Preventer	Low	Backsiphonage 1/2" - 1"	ASSE 1052

Installation Guidelines: The above specialty devices shall be installed in accordance with their listing and the manufacturer's instructions and the specific provisions of this chapter.

(~~37~~29) In Section 608.3.1, the following sentence is added at the end of the paragraph:

All piping and hoses shall be installed below the atmospheric vacuum breaker.

(~~38~~30) Section 608.7 is deleted in its entirety.

(~~39~~31) In Section 608.8, the following sentence is added at the end of the paragraph:

In addition each nonpotable water outlet shall be labeled with the words "CAUTION: UNSAFE WATER, DO NOT DRINK".

(~~40~~32) In Section 608.11, the following sentence is added at the end of the paragraph:

The coating shall conform to NSF Standard 61 and application of the coating shall comply with the manufacturers instructions.

(~~41~~33) Section 608.13.3 is deleted and replaced with the following:

608.13.3 Backflow preventer with intermediate atmospheric vent. Backflow preventers with intermediate atmospheric vents shall conform to ASSE 1012 or CAS CAN/CAS-B64.3. These devices shall be permitted to be installed on residential boilers only where subject to continuous pressure conditions. The relief opening shall discharge by air gap and shall be prevented from being submerged.

(~~42~~34) Section 608.13.4 is deleted in its entirety.

(~~43~~35) Section 608.15.3 is deleted and replaced with the following:

608.15.3 Protection by a backflow preventer with intermediate atmospheric vent. Opening and outlets to residential boilers only shall be protected by a backflow preventer with an intermediate atmospheric vent.

(~~36~~28) Table 608.1.1 is added as follows:

TABLE 608.1.1  
Specialty Backflow Devices for Low hazard use only

Device	Degree of Hazard	Application	Applicable Standard
Antisiphon-type Water Closet Flush Tank Ball Cock	Low	Backsiphonage	ASSE 1002 CSA CAN/ CSA-B125

(~~44~~36) Section 608.15.4 is deleted and replaced with the following:

608.15.4 Protection by a vacuum breaker. Openings and outlets shall be protected by atmospheric-type or pressure-type vacuum breakers. The critical level of the atmospheric vacuum breaker shall be set a minimum of 6 inches (152 mm) above the flood level rim of the fixture or device. The critical level of the pressure vacuum breaker shall be set a minimum of 12 inches (304 mm) above the flood level rim of the fixture or device. Ball cocks shall be set in accordance with Section 425.3.1. Vacuum breakers shall not be installed under exhaust hoods or similar locations that will contain toxic fumes or vapors. Pipe-applied vacuum breakers shall be installed not less than 6 inches (152 mm) above the flood level rim of the fixture, receptor or device served. No valves shall be installed downstream of the atmospheric vacuum breaker.

(~~45~~37) In Section 608.15.4.2, the following is added at the end of the paragraph:

In climates where freezing temperatures occur, a listed, self-draining frost proof hose bibb with an integral backflow preventer shall be used.

(~~46~~38) Section 608.16.1 is deleted and replaced with the following:

608.16.1 Beverage dispensers. Potable water supply to carbonators shall be protected by a vented dual check valve meeting ASSE Standard 1022 and installed according to the requirements of this chapter.

(~~47~~39) In Section 608.16.2, the first sentence of the paragraph is deleted and replaced as follows:

608.16.2 The potable water supply to the residential boiler shall be equipped with a backflow preventer with an intermediate atmospheric vent complying with ASSE 1012 or CSA CAN/CSA B64.3.

(~~48~~40) Section 608.16.3 is deleted and replaced with the following:

608.16.3 Heat exchangers. Heat exchangers shall be separated from potable water by double-wall construction. An air gap open to the atmosphere shall be provided between the two walls.

Exceptions:

1. Single wall heat exchangers shall be permitted when all of the following conditions are met:

a. Utilize a heat transfer medium of potable water or contains only substances which are recognized as safe by the United States Food and Drug Administration (FDA);

b. The pressure of the heat transfer medium is maintained less than the normal minimum operating pressure of the potable water system; and

c. The equipment is permanently labeled to indicate only additives recognized as safe by the FDA shall be used.

2. Steam systems that comply with paragraph 1 above.

3. Approved listed electrical drinking water coolers.

(~~49~~41) Section 608.16.4 is deleted and replaced with the following:

Section 608.16.4 Connections to automatic fire sprinkler systems and standpipe systems. The potable water supply to automatic fire sprinkler and standpipe systems shall be protected against backflow by an alarm check valve and spring loaded check valve assembly as shown on the diagram entitled "Riser Detail", dated July 1, 1999, published by State and Local Building Codes Amendments, Department of Commerce, Division of Occupational

and Professional Licensing, which is hereby adopted and incorporated by reference.

EXCEPTIONS:

1. When systems are installed as a portion of the water distribution system in accordance with the requirements of this code and are not provided with a fire department connection, isolation of the water supply system shall not be required.

2. Isolation of the water distribution system is not required for deluge, preaction or dry pipe systems.

3. When the sprinkler supply line is less than four inches in diameter and a resilient seated spring loaded single check valve, approved and testable for back flow prevention is not available, then an alternate, approved for fire sprinkler system use, spring loaded check valve is allowed.

(~~50~~42) Section 608.16.4.1 is deleted and replaced with the following:

Section 608.16.4.1 Additives or nonpotable source. Where systems contain chemical additives or antifreeze, or where systems are connected to a nonpotable secondary water supply, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer. Where chemical additives or antifreeze are added to only a portion of an automatic fire sprinkler or standpipe system, the reduced pressure principle backflow preventer shall be permitted to be located so as to isolate that portion of the system.

Exception:

1. For systems that use antifreeze only consisting of strictly pure glycerine (C.P. or U.S.P. 96.5 percent grade) or propylene glycol, equipment specified in Section 608.16.4 shall be used.

(~~51~~43) Section 608.16.4.2 is added as follows:

Section 608.16.4.2 Testing Procedures. The testing procedures are as follows:

1. The check valves are to be tested by a currently certified Class II Backflow Technician in accordance with Rule R309-302 available from the Department of Environmental Quality.

2. All other mechanical devices attached to or part of a class I or class II fire sprinkler system shall be tested by a licensed fire sprinkler contractor.

(~~52~~44) Section 608.16.6 is deleted and replaced with the following:

608.16.6 Connections to lawn irrigation systems. The potable water supply to lawn irrigation systems shall be protected against backflow by an atmospheric-type vacuum breaker, a pressure-type vacuum breaker, a double check valve backflow preventer or a reduced pressure principle backflow preventer. A valve shall not be installed downstream from an atmospheric vacuum breaker. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

(~~53~~45) Section 608.16.7 is deleted and replaced with the following:

608.16.7 Chemical dispensers. Where chemical dispensers connect to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

(~~54~~46) Section 608.16.8 is deleted and replaced with the following:

608.16.8 Portable cleaning equipment. Where the portable cleaning equipment connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2 or Section 608.13.8.

(55)47) Section 608.16.9 is deleted and replaced with the following:

608.16.9 Dental pump equipment or water syringe. Where dental pumping equipment or water syringes connects to the water distribution system, the water supply system shall be protected against backflow in accordance with Section 608.13.1, Section 608.13.2, Section 608.13.5, Section 608.13.6 or Section 608.13.8.

(56)48) Section 608.16.10 is added as follows:

608.16.10 Automatic and coin operated car washes. The water supply to an automatic or coin operated car wash shall be protected in accordance with Section 608.13.1 or Section 608.13.2.

(57)49) Section 608.17 is deleted in its entirety.

(58)50) Section 701.2 is deleted and replaced with the following:

701.2 Sewer required. Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where the sewer is within 300 feet of the property line in accordance with Section 10-8-38, Utah Code Ann., (1953), as amended; or an approved private sewage disposal system in accordance with Rule R317-5501 through R317-513 and Rule R317-5, Utah Administrative Code, as administered by the Department of Environmental Quality, Division of Water Quality.

(59)51) Section 802.1.1 is deleted and replaced with the following:

802.1.1 Food handling. Equipment and fixtures utilized for the storage, preparation and handling of food or food equipment shall discharge through an indirect waste pipe by means of an air gap or air break.

(60)52) Section 802.3 is amended as follows:

The term "waste receptors" in the last sentence of the paragraph is replaced with the term "floor sinks".

(61)53) Section 802.3.2 is deleted in its entirety and replaced with the following:

802.3.2 Open hub waste receptors. Waste receptors for clear water waste shall be permitted in the form of a hub or pipe extending not more than 1/2 inch above a water impervious floor and are not required to have a strainer.

(62)54) In Section 904.6, the following sentence is added at the end of the paragraph:

Vents extending through the wall shall terminate not less than 12 inches from the wall with an elbow pointing downward.

(63)55) In Section 905.4, the following sentence is added at the end of the paragraph:

Horizontal dry vents below the flood level rim shall be permitted for floor drain and floor sink installations when installed in accordance with Sections 702.2, 905.2 and 905.3 and provided with a wall clean out.

(64)56) Section 1002.4.1 is added as follows:

1002.4.1 Emergency floor drains. Each emergency floor drain shall be installed with a trap seal primer. Trap seal primer shall conform to ASSE 1018 or ASSE 1044.

(65)57) Section 1003.3.5 is added as follows:

1003.3.5 Grease trap restriction. Unless specifically required or permitted by the code official, no food waste grinder or dishwasher shall be connected to or discharge into any grease trap.

(66)58) Section 1104.2 is deleted and replaced with the following:

1104.2 Combining storm and sanitary drainage prohibited. The combining of sanitary and storm drainage systems is prohibited.

(67)59) Section 1108 is deleted in its entirety.

(68)60) Section 1204 is added as follows:

1204 Fuel gas piping systems. All fuel gas piping systems shall be sized, installed, tested and placed in operation in accordance with the requirements of the 1998 International Mechanical Code.

(69)61) Section 1205 is added as follows:

Section 1205 CNG GAS-DISPENSING SYSTEMS

1205.1 Dispenser protection. The gas dispenser shall have an emergency switch to shut off the power to the dispenser. An approved backflow device that prevents the reverse flow of gas shall be installed on the gas supply pipe or in the gas dispenser.

1205.2 Ventilation. Gas-dispensing systems installed inside the structure shall be ventilated by mechanical means in accordance with the 1998 International Mechanical Code.

1205.3 Compressed natural gas vehicular fuel systems. Compressed natural gas (CNG) fuel-dispensing systems for CNG-fueled vehicles shall be designed and installed in accordance with NFPA 52 and the [uniform] fire code as adopted by the State Fire Marshal.

(70)62) Chapter 14, Referenced Standards, is amended as follows:

NSF - Standard Reference Number 61-95 - The following referenced in code section number is added: 608.11

The following reference standard is added:

TABLE

USC- Foundation for Cross-Connection Control Table 608.1
FCCCHR Control and Hydraulic Research
9th University of Southern California
Edition Kaprielian Hall 300
Manual Los Angeles CA 90089-2531
of Cross
Connection

(71)63) Appendix C of the IPC, Gray Water Recycling Systems, shall not be adopted by any jurisdiction until approved by the Department of Health and the Department of Environmental Quality.

**R156-56-708. Statewide Amendments to the IMC.**

The following are adopted as amendments to the IMC to be applicable statewide:

- (1) ~~Chapter 1, Section 103 is deleted in its entirety.~~
- (2) ~~Chapter 1, Section 109 is deleted in its entirety and replaced with the following:~~
- ~~Section 109.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to mechanical systems and who are not employees of the jurisdiction. The building official shall be an ex officio member of~~

and shall act as secretary to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

~~—(3) Section 109.2 Limitations of authority. The board of appeals shall have no authority relative to interpretation of the administrative provision of this code nor shall the board be empowered to waive requirements of this code.~~

~~—(4) Chapter 3, Section 304.8 is amended by adding the following exception at the end of the paragraph:~~

Exception: R-3 occupancy.

~~[(5) Chapter 3, Section 306.5 is amended by adding the following exception at the end of the paragraph:~~

Exception: R-3 occupancy.

~~[(6) Chapter 3, Section 306.6 is amended by adding the following exception at the end of the paragraph:~~

Exception: Evaporative coolers serving R-3 occupancy.]

~~—(7) Chapter 4 is deleted in its entirety. In place of the IMC, Chapter 4, reference the 1997 Uniform Building Code, Chapter 12:]~~

~~[(8) Chapter 6, Section 603.8.1 is added as follows:~~

~~Section 603.8.1 Residential round ducts. Crimp joints for residential round ducts shall have a contact lap of at least 1 1/2 inches (38 mm) and shall be mechanically fastened by means of at least three sheet metal screws equally spaced around the joint, or an equivalent fastening method.~~

~~—(9) Chapter 13, Section 1305.1 is amended as follows:~~

~~The following exception is added at the end of the section:~~

~~—Exception: When approved by the authority having jurisdiction, shut-off valves for listed, vented decorative appliances may be accessibly located in an area remote from the appliance. Such valve shall be permanently identified and shall serve no other equipment.~~

~~—(10) Chapter 13, Section 1309.2 is amended as follows:~~

~~The following exception is added at the end of the section:~~

~~—Exception: When approved by the authority having jurisdiction, shut-off valves for listed, vented decorative appliances may be accessibly located in an area remote from the appliance. Such valve shall be permanently identified and shall serve no other equipment.]~~

**R156-56-709. Amendments to the UBC.**

(1) Statewide Amendments. The following are adopted as amendments to the UBC to be applicable statewide:

(a) The preamble to Standard 9-1 is deleted and replaced with the following:

This standard is based upon the National Fire Protection Association Standard for the Installation of Sprinkler Systems, NFPA 13-1999.

(2) The following are adopted as amendments to the UBC to be applicable to the following jurisdictions:

(a) City of North Salt Lake:

In Section 904.2.2, the introductory paragraph is deleted and replaced as with the following:

All occupancies except for Group R, Division 3, Type V-N Construction having less than 6200 square feet or other types of construction under Group R Division 3 having less than 7200

square feet or Group U occupancies, an automatic sprinkler system shall be installed:

**R156-56-710. Statewide Amendments to the IRC.**

The following are adopted as amendments to the IRC to be applicable statewide:

(1) All amendments to the IRC under section R156-56-704 which may be applied to detached one and two family dwellings and multiple single family dwellings shall be applicable to the corresponding provisions of the IRC.

**R156-56-711. Local Amendments to the IRC.**

The following are adopted as amendments to the IRC to be applicable to the following jurisdictions:

(1) City of Farmington:

Sections R328.1 and R328.2 are added as follows:

R328.1 When required. An automatic sprinkler system shall be installed throughout every dwelling in accordance with NFPA 13-D, when any of the following conditions are present:

1. the structure is over two stories high, as defined by the building code;

2. the nearest point of structure is more than 150 feet from the public way;

3. the total floor area of all stories is over 5,000 square feet (excluding from the calculation the area of the basement and/or garage); or

4. the structure is located on a street constructed after March 1, 2000 that has a gradient over 12% and, during fire department response, access to the structure will be gained by using such street. (If the access is intended to be from a direction where the steep gradient is not used, as determined by the Chief, this criteria shall not apply).

R328.2 Installation requirements and standards. Such sprinkler system shall be installed in basements, but need not be installed in garages, under eaves or in enclosed attic spaces, unless required by the Chief. Such system shall be installed in accordance with NFPA 13-D

(2) Park City Corporation:

Section R905.7 is deleted and replaced with the following:

R905.7 Wood shingles. The installation of wood shingles shall comply with the provisions of this section.

Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE  
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pine-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited

Section R905.8 is deleted and replaced with the following:

R905.8 Wood Shakes. The installation of wood shakes shall comply with the provisions of this section.

Wood roof covering is prohibited in areas with a combined rating of more than 11 using the following tables with a score of 9 for weather factors.

TABLE  
WILDFIRE HAZARD SEVERITY SCALE

RATING	SLOPE	VEGETATION
1	less than or equal to 10%	Pinion-juniper
2	10.1 - 20%	Grass-sagebrush
3	greater than 20%	Mountain brush or softwoods

PROHIBITION/EXEMPTION TABLE

RATING	WOOD ROOF PROHIBITION
less than or equal to 11	wood roofs are allowed
greater than or equal to 12	wood roofs are prohibited

Appendix K is adopted.

**KEY: contractors, building codes, building inspection, licensing**  
**[January 1,]2001** **58-1-106(1)**  
**Notice of Continuation June 3, 1997** **58-1-202(1)**  
**58-56-1**  
**58-56-4(2)**  
**58-56-6(2)(a)**



Commerce, Occupational and  
 Professional Licensing  
**R156-67**  
 Utah Medical Practice Act Rules

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE NO.: 23593  
 FILED: 04/02/2001, 11:49  
 RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Division needs to remove the requirement for quality review in accordance with changes made to the Medical Practice Act, Title 58, Chapter 67, as a result of S.B. 197. The Division is also proposing changes to the requirements to sit for the licensure examination. The Division is clarifying the licensee's responsibility regarding continuing professional education and proposed changes provide additional conduct which would be defined as unprofessional conduct.  
**(DAR Note:** S.B. 197 is found at 2001 Utah Laws 267 and will be effective April 30, 2001.)

SUMMARY OF THE RULE OR CHANGE: In Section R156-67-302e regarding requirements for admission to the examinations, Subsection R156-67-(2)(c) is amended to allow an individual who is enrolled in a MD/Ph.D. program to have ten years to complete step 1 and 2 of the USMLE and become eligible to sit for step 3 of the USMLE. In Section R156-67-304,

Subsection R156-67-304(3), an addition is made to clarify that licensee must provide documentation of completion of continuing professional education upon the request of the Division and such documentation should be retained until the next renewal cycle. Section R156-67-305 with respect to quality review programs is deleted in its entirety. In Section R156-67-502 regarding unprofessional conduct, adds engaging in a sexual relationship with a patient surrogate and engaging in the practice of medicine in a disruptive manner as unprofessional conduct.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-67-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: The Division will incur minimal costs, less than \$50, to reprint the rule once the proposed changes are made effective. Any costs incurred will be absorbed in the Division's current budget. The Division and Attorney General's Office may incur adjudicative expenses if action is brought against a physician for unprofessional conduct.
  - ❖LOCAL GOVERNMENTS: Proposed rule does not apply to local governments.
  - ❖OTHER PERSONS: Physicians will not be mandated to participate in quality review programs in addition to any program in which they may already be participating, thus there will be a savings to licensed physicians which could be \$500 per year per physician or \$3,250,000 based on 6,500 licensed physicians at \$500 each. A physician who is charged with unprofessional conduct may engage the services of an attorney and incur undeterminable legal costs. Licensees already must complete continuing education and the proposed change will not have an additional fiscal impact.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: Physicians will not be mandated to participate in quality review programs in addition to any program in which they may already be participating, thus there will be a savings to licensed physicians which could be \$500 per year per physician. A physician who is charged with unprofessional conduct may engage the services of an attorney and incur undeterminable legal costs.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Since physicians will not be required to participate in a quality review program apart from any other program in which they may already be involved, it is estimated that there will be a cost saving to licensed physicians in the range of \$500 a year per physician. If charged with unprofessional conduct, a physician has the option of engaging an attorney, and that of course will add to his expenses. Completion of continuing education requirements will not have any fiscal impact. Ted Boyer, Jr., Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 Commerce  
 Occupational and Professional Licensing  
 Fourth Floor, Heber M. Wells Building  
 160 East 300 South

PO Box 146741  
Salt Lake City, UT 84114-6741, or  
at the Division of Administrative Rules.

**DIRECT QUESTIONS REGARDING THIS RULE TO:**

Laura Poe at the above address, by phone at (801) 530-6789, by FAX at (801) 530-6511, or by Internet E-mail at [brdopl.poe@email.state.ut.us](mailto:brdopl.poe@email.state.ut.us).

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/09/2001, 9:00 a.m., 160 East 300 South, Conference Room 205 (Second Floor), Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.**

**R156-67. Utah Medical Practice Act Rules.**

**R156-67-302e. Qualifications for Licensure - Requirements for Admission to the Examinations.**

(1) Admission to the USMLE steps 1 and 2 shall be in accordance with policies and procedures of the FSMB and the NBME.

(2) Requirements for admission to the USMLE step 3 are:

(a) completion of the education requirements as set forth in Subsections 58-67-302(1)(d) and (e);

(b) passing scores on USMLE steps 1 and 2, or the FLEX component 1, or the NBME parts I and II;

(c) have passed the first USMLE step taken, either 1 or 2, within seven years if enrolled in a medical doctorate program and ten years if enrolled in a medical doctorate/doctorate of philosophy program; and

(d) have not failed a combination of USMLE step 3, FLEX component 2 and NBME part III, three times.

(3) Candidates who fail a combination of USMLE step 3, FLEX component 2 and NBME part III three times must successfully complete additional education as required by the board before being allowed to sit for USMLE step 3.

**R156-67-304. Qualified Continuing Professional Education.**

(1) The qualified continuing professional education set forth in Subsection 58-67-304(1) shall consist of 40 hours in category 1 offerings as established by the ACCME in each preceding two year licensure cycle.

(2) The standard for qualified continuing professional education is that it consist of offerings or courses approved by institutions accredited by the ACCME to approve continuing medical education.

(3) A licensee must be able to document completion of the continuing professional education upon the request of the Division. Such documentation should be retained until the next renewal cycle. Documentation of completed qualified continuing professional education shall consist of any of the following:

(a) certificates from sponsoring agencies;

(b) transcripts of participation on applicable institutions letterhead; and

(c) "CME Self-Reporting Log".

(4) Participation in an ACGME approved residency program shall be considered to meet the continuing education requirement in a pro-rata amount equal to any part of that two year period.

**[R156-67-305. Quality Review Program:**

~~(1) In accordance with Subsection 58-67-304(2), a quality review program shall be approved based on the following criteria;~~

~~(a) the quality review program shall consist of a provider, reviewers, and participating physicians and surgeons;~~

~~(b) program personnel shall have such knowledge and expertise to permit the provider to competently conduct a quality review program;~~

~~(c) the provider shall conduct the program objectively, showing no bias with respect to any individual subjected to review;~~

~~(d) the provider shall provide in its agreement with the subscribing physicians and surgeons that:~~

~~(i) upon a finding of gross incompetence in the practice of medicine, the provider shall report its findings to the division for appropriate action;~~

~~(ii) if the subscribing physician fails to substantially comply with a plan of corrective action determined appropriate by the provider following quality review, the provider shall report such to the division and the board; and~~

~~(iii) the provider shall make available to the division and the board the results of a quality review upon the proper issuance of a Subpoena Duces Tecum by the division in accordance with the provisions of Title 58, Chapter 1.~~

~~(e) any fees charged by the quality review program shall be reasonable and necessary.~~

]

**R156-67-502. Unprofessional Conduct.**

"Unprofessional conduct" includes:

(1) prescribing for oneself any Schedule II or III controlled substance; however, nothing in these rules shall be interpreted by the division or the board to prevent a licensee from using, possessing or administering to himself a Schedule II or III controlled substance which was legally prescribed for him by a licensed practitioner acting within his scope of licensure when it is used in accordance with the prescription order and for the use for which it was intended;

(2) knowingly prescribing, selling, giving away or administering, directly or indirectly, or offering to prescribe, sell, furnish, give away or administer any scheduled controlled substance as defined in Title 58, Chapter 37 to a drug dependent person, as defined in Subsection 58-37-2(14) unless permitted by law and when it is prescribed, dispensed or administered according to a proper medical diagnosis and for a condition indicating the use of that controlled substance is appropriate;

(3) knowingly engaging in billing practices which are abusive and represent charges which are grossly excessive for services rendered;

(4) directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services not actually and personally rendered or supervised; however, nothing in this section shall preclude the legal relationships within lawful professional partnerships, corporations or associations or the

relationship between an approved supervising physician and physician assistants or advanced practice nurses supervised by them;

(5) knowingly failing to transfer a copy of pertinent and necessary medical records or a summary thereof to another physician when requested to do so by the subject patient or by his legally designated representative;

(6) failing to furnish to the board information requested by the board which is known by a licensee with respect to the quality and adequacy of medical care rendered to patients by physicians licensed under the Medical Practice Act;

(7) failing as an operating surgeon to perform adequate pre-operative and primary post-operative care of the surgical condition for a patient in accordance with the standards and ethics of the profession or to arrange for competent primary post-operative care of the surgical condition by a licensed physician and surgeon who is equally qualified to provide that care;

(8) billing a global fee for a procedure without providing the requisite care;

(9) supervising the providing of breast screening by diagnostic mammography services or interpreting the results of breast screening by diagnostic mammography to or for the benefit of any patient without having current certification or current eligibility for certification by the American Board of Radiology. However, nothing in this subsection shall be interpreted to prevent a licensed physician and surgeon from reviewing the results of any breast screening by diagnostic mammography procedure upon a patient for the purpose of considering those results in determining appropriate care and treatment of that patient if the results are interpreted by a physician and surgeon qualified under this subsection and a timely written report is prepared by the interpreting physician and surgeon in accordance with the standards and ethics of the profession;

(10) failing of a licensee under Title 58, Chapter 67, without just cause to repay as agreed any loan or other repayment obligation legally incurred by the licensee to fund the licensee's education or training as a medical doctor;

(11) failing of a licensee under Title 58, Chapter 67, without just cause to comply with the terms of any written agreement in which the licensee's education or training as a medical doctor is funded in consideration for the licensee's agreement to practice in a certain locality or type of locality or to comply with other conditions of practice following licensure;

(12) a physician providing services to a department of health by participating in a system under which the physician provides the department with completed and signed prescriptions without the name and address of the patient, or date the prescription is provided to the patient when the prescription form is to be completed by authorized registered nurses employed by the department of health which services are not in accordance with the provisions of Section 58-17a-620;

(13) failing to keep the division informed of a current address and telephone number;[~~and~~]

(14) engaging in alternate medical practice except as provided in Section R156-67-603;

(15) engaging in sexual contact with a patient surrogate concurrent with the physician/patient relationship; and

(16) engaging in the practice of medicine in a disruptive manner including aberrant behavior manifested through personal interaction with physicians, hospital personnel, health care

professionals, patients, family members, or others, which interferes with patient care or could reasonably be expected to interfere with the process of delivering quality care.

**KEY: physicians, licensing**  
**[December 13, 2000]2001**

**58-67-101**  
**58-1-106(1)**  
**58-1-202(1)**



**Corrections, Administration**  
**R251-110**  
**Sex Offender Notification**

**NOTICE OF PROPOSED RULE**  
**(Amendment)**

DAR FILE NO.: 23571  
FILED: 03/27/2001, 09:59  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The process and requirements for requests for sex offender information has changed.

SUMMARY OF THE RULE OR CHANGE: Defined the term "petitioner" for more clarification. The term "location" is no longer a part of the process. The Sex Offender Registration Unit, not the Records Bureau, now processes the requests. The Unit is located at a different address. Requests no longer have to be in writing. Members of the public may now request information regarding sex offenders in any two postal zip-code areas. Being a victim of a convicted sex offender or an individual in the same or adjoining zip code area in which a sex offender is suspected to reside, is no longer a requirement for petitioning. The disclosure statement is no longer required.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 77-27-21.5

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: The Department will incur only minimal costs to reprint name of unit on request forms.
  - ❖LOCAL GOVERNMENTS: Proposed revisions do not apply to local governments; therefore, no costs or savings.
  - ❖OTHER PERSONS: The process will remain the same for 'other persons'; therefore, no costs or savings.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: The process will remain the same for 'affected persons'; therefore, no costs or savings.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This rule would have no fiscal impact, except indirectly by saving hours of staff time.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Corrections  
Administration  
Suite 304  
6100 South Fashion Blvd.  
Murray, UT 84107, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5523, or by Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: Mike Chabries, Executive Director

**R251. Corrections, Administration.**  
**R251-110. Sex Offender Notification.**  
**R251-110-1. Authority and Purpose.**

- (1) This rule is authorized under Section 77-27-21.5.
- (2) The purpose of the rule is to define the process for providing sex offender notification to petitioners and authorized individuals.

**R251-110-2. Definitions.**

- (1) As used in this section:
  - (a) "authorized individual" means an employee of the Department~~[, a regularly employed peace officer,] or~~ a law enforcement officer, ~~[or a staff person of the State Office of Education,] in the performance of [assigned]their~~ duties;
  - (b) the terms "Department"~~;~~ and "Notification"~~;~~ and "Petitioner" are as defined in Section 77-27-21.5; ~~and~~
  - (c) "petitioner" means a member of the public who submits a request for information regarding sex offenders; and

~~[(c)](d) ["location" means a reasonable geographic area not to exceed a mailing zip code and one adjoining zip code]"Sex Offender Registration Unit" means the unit of the Adult Probation and Parole Division assigned to manage the sex offender registration files and disseminate information on sex offenders to authorized agencies/individuals and members of the public.~~

**R251-110-3. Information Request Process.**

- (1) Authorized individuals are not required to petition the Department for information regarding sex offenders, but may submit a request on a need-to-know basis.
- (2) ~~Members of the public may submit a [P]petition[ers] [may request]for~~ sex offender information from the Department ~~[Records Bureau]Sex Offender Registration Unit.~~
  - (a) Requests shall ~~[be in writing with]include~~ a return address and telephone number.
  - (b) Requests shall be sent to the Utah Department of Corrections, ~~[Records Bureau, 155 E.]Sex Offender Registration~~

~~Unit, 155 E. 6100 S. #301[Suite 300], Murray, Utah 84107[-7208].~~

- (c) If a petitioner changes his residence after having submitted a request, but prior to receiving a response from the Department, it is the petitioner's obligation to file another petition with a current return address and telephone number.
- (d) Petitioners may not obtain information by telephone.
- (e) Members of the public may submit a petition for information regarding sex offenders in two postal zip-code areas.

**R251-110-4. Criteria for Approval.**

- (1) A petitioner shall~~[-~~
  - ~~(a) be a victim of a convicted sex offender or be an individual residing at an address with the same, or an adjoining postal zip-code area in which a sex offender is suspected to reside; and~~
  - ~~(b)] provide the necessary information.~~
- (2) Authorized individuals shall:
  - (a) make the request as part of the performance of their duties; and
  - (b) provide the necessary information.
  - (3) Petitioners may be denied by the Department for ~~[-~~
    - ~~(a) ]insufficient information,[-~~
    - ~~(b) refusal to sign the petition form;~~
    - ~~(c) requesting information outside the location of the petitioner's residence;~~
    - ~~(d) failure to meet the criteria of a petitioner; or~~
    - ~~(e) other legitimate governmental interests.~~

**R251-110-5. Instructions for Use of the Information:**

- ~~(1) Sex offender registration information is classified as private or protected and persons using such information are subject to the access and disclosure provisions of Sections 63-2-202 and 63-2-206.~~
- ~~(2) Petitioners shall agree in writing to abide by the disclosure requirements of Section 63-2-101, et seq.]~~

**KEY: sex crimes, notification**

~~[October 18, 1996]2001~~

64-13-10  
77-27-21.5

Environmental Quality, Water Quality  
**R317-1-6**  
Disposal of Domestic Wastewater  
Treatment Works Sludge

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 23599

FILED: 04/02/2001, 17:45

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To clarify the circumstances under which land disposal of septage would be allowed.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment adds language specifying that the requirements of Section R317-550-7 must be met for the disposal of septic tank contents. Section R317-550-7 is being amended in a concurrent rulemaking action.

**(DAR Note:** The proposed change to R317-550-7 is under DAR No. 23600 in this *Bulletin*.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No appreciable costs or savings. This change does not result in a need for additional Full Time Equivalents (FTEs).

❖LOCAL GOVERNMENTS: The proposed amendment clarifies the existing interpretation of the rule. There will be no change in the manner in which the current rule is implemented. As a result, there will be no appreciable cost or savings to local government associated with the amendment.

❖OTHER PERSONS: The proposed amendment clarifies the existing interpretation of the rule. There will be no change in the manner in which the current rule is implemented. As a result, there will be no appreciable cost or savings to other persons associated with the amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment clarifies the existing interpretation of the rule. There will be no change in the manner in which the current rule is implemented. As a result, there will be no change in compliance costs associated with the amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment clarifies the existing interpretation of the rule. There will be no change in the manner in which the current rule is implemented. As a result, there are no anticipated fiscal impacts to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality  
Water Quality  
Cannon Health Building  
288 North 1460 West  
PO Box 144870  
Salt Lake City, UT 84114-4870, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
David Wham at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6052, or by Internet E-mail at [dwham@deq.state.ut.us](mailto:dwham@deq.state.ut.us).

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 05/18/2001

AUTHORIZED BY: Dianne R. Nielson, Executive Director

**R317. Environmental Quality, Water Quality.**

**R317-1. Definitions and General Requirements.**

**R317-1-6. Disposal of Domestic Wastewater Treatment Works Sludge.**

6.1 General. No person shall use, dispose, or otherwise manage sewage sludge through any practice for which pollutant limits, management practices, and operational standards for pathogens and vector attraction reduction requirements are established in 40 CFR 503, July 1, 1994, except in accordance with such requirements.

6.2 Permit. All treatment works producing, treating and disposing of sewage sludge must comply with applicable permit requirements at R317-3, 6 and 8.

6.3 Septic Tank Contents. The dumping or spreading of septic tank contents is prohibited except in conformance with 40 CFR 503 and R317-550-7 [~~and as authorized by the local health authority~~].

6.4 Effective Date. Notwithstanding the effective date for incorporation by reference of 40 CFR 503 provided in R317-8-1.10(9), those portions of 40 CFR 503 specified in R317-1-6.1 and 6.3 are effective immediately.

**KEY: water pollution, waste disposal, industrial waste, effluent standards\***

**[January 23,] 2001**

**19-5**

**Notice of Continuation December 12, 1997**

◆  ◆

**Environmental Quality, Water Quality**  
**R317-550-7**  
**Disposal of Wastes at Approved**  
**Locations**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 23600

FILED: 04/02/2001, 17:52

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To clarify the circumstances under which land disposal of septage would be allowed.

SUMMARY OF THE RULE OR CHANGE: The proposed amendment adds clarifying language to Section R317-550-7.1, specifying that land disposal would be allowable in accordance with the provisions of 40 CFR 503 (incorporated by reference at Subsection R317-8-1.10(9)) if approved by the Executive Secretary with the concurrence of the local health department.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 19-5-104

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: No appreciable costs or savings. This change does not result in a need for additional Full Time Equivalents (FTEs).

❖LOCAL GOVERNMENTS: The proposed amendment clarifies the existing interpretation of the rule. There will be no change in the manner in which the current rule is implemented. As a result, there will be no appreciable cost or savings to local government associated with the amendment.

❖OTHER PERSONS: The proposed amendment clarifies the existing interpretation of the rule. There will be no change in the manner in which the current rule is implemented. As a result, there will be no appreciable cost or savings to other persons associated with the amendment.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The proposed amendment clarifies the existing interpretation of the rule. There will be no change in the manner in which the current rule is implemented. As a result, there will be no change in compliance costs associated with the amendment.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed amendment clarifies the existing interpretation of the rule. There will be no change in the manner in which the current rule is implemented. As a result, there are no anticipated fiscal impacts to businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Environmental Quality  
 Water Quality  
 Cannon Health Building  
 288 North 1460 West  
 PO Box 144870  
 Salt Lake City, UT 84114-4870, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

David Wham at the above address, by phone at (801) 538-6146, by FAX at (801) 538-6052, or by Internet E-mail at dwham@deq.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 05/18/2001

AUTHORIZED BY: Dianne R. Nielson, Executive Director

**R317. Environmental Quality, Water Quality.**  
**R317-550. Rules for Waste Disposal By Liquid Scavenger Operations.**

**R317-550-7. Disposal of Wastes at Approved Locations.**

7.1 All wastes collected shall be disposed of in accordance with the regulations of the Division and the local health department

having jurisdiction. Disposal shall be accomplished by one of the following methods:

A. Into a public sewer system at the place and point in the system designated and approved by the appropriate authority.

B. Into a ~~sanitary~~ landfill which has been approved by the Division of Solid and Hazardous Wastes, ~~[with concurrence by the local health department,]~~ for disposal of such wastes and in accordance with R315-301 through R315-320.

C. Land disposal, in accordance with the provisions of R317-8-1.10(9), if approved by the Executive Secretary and with the concurrence of the local health department.

7.2 No waste shall be deposited into a sewage collection system, a sewage treatment plant, or waste stabilization pond (lagoon), which will have a detrimental effect on their overall operation.

7.3 Under no circumstances shall dumping of wastes be permitted into any public or private lake, pond, stream, river, watercourse, or any other body of water, or onto any public or private land which has not been designated as an approved disposal site.

7.4 It shall be unlawful for any liquid waste scavenger to transport, treat, store, or dispose of hazardous wastes as defined by 19-6-102(7) without complying with all provisions of R315-1 through R315-301.

**KEY: dumping of wastes**

~~[1993]~~2001

19-5-104

Notice of Continuation December 12, 1997



Health, Health Systems Improvement,  
 Emergency Medical Services

**R426-12**

Emergency Medical Services Training  
 and Certification Standards

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 23594

FILED: 04/02/2001, 12:38

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Bureau adopted new Training and Certification Standards in October, 1999. At that time a Task Force was organized to review the rules and make suggested changes. These changes are suggestions of that Task Force. The proposed change also establishes a ranking of on-scene field personnel who respond to an incident. There have been several occurrences where confusion over who is in charge at an incident has hampered timely provision of medical care. This change establishes an order of command for patient management at a scene.

SUMMARY OF THE RULE OR CHANGE: The proposed changes include a number of housekeeping changes, plus the following: the Department may release test results and other pertinent information only to the person who took the test; the proposed change clarifies who must have fingerprint/FBI checks; Emergency Medical Technician (EMT-B) Basic certification challengers must have a favorable recommendation from a certified course coordinator; Cardio Pulmonary Resuscitation (CPR) certification for Emergency Medical Dispatcher (EMD), EMT-B, EMT-IV, and EMT-I must be current; EMT-B and EMT-IV's requesting recertification must provide 25 hours of Continuing Medical Education (CME) (left out last time); provides for a third test for EMD, EMT-B, EMT-IV, and EMT-I if recommended by the hearing officer and approved by the Department; lists what has been adopted in Curriculum for EMT-IV and EMT-I training; paramedics must maintain current course completion in Adult and Pediatric Advanced Cardiac Life Support; lists Paramedic Training Institution Standards; levels of certification for EMD, EMT-B, EMT-IV, EMT-I, and paramedic were standardized; provides for lapsed certification for Dispatchers; EMS Instructor contracts are to be submitted biennially rather than annually; all off-line medical directors must complete department requirements by May 2001; medical directors must complete medical director training course every four years; the Department may suspend a certification for felony or misdemeanor arrest and when an active criminal or administrative investigation is being conducted; misrepresentation of the level of certification may be cause for suspending, revoking, or placing a certification on probation; and failure to display state-approved emblem with level of certification during any EMS response may be cause for suspending, revoking, or placing a certification on probation. The proposed change also adds two new sections, one recognizing a Flight Nurse as a field personnel and one listing the ranking order of field personnel. The change establishes a ranking of on-scene field personnel who respond to an incident. The proposed order from highest ranking to lowest ranking would be Flight Nurse, Paramedic, EMT-Intermediate, EMT-IV, and EMT-Basic.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 8a

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There is no cost or savings to the state budget. The proposed changes to the rule will clarify the Bureau's responsibilities.

❖LOCAL GOVERNMENTS: Local government could benefit from the proposed change that clarifies "permanent residency" in Utah. Each FBI check is \$39 a person, versus \$10 for a Utah name check. This is a potential savings to the local government agencies. If they have 20 people who have been in the military or on a religious mission within the past 5 years, they would save \$19 for each, or a total of \$380 annually. These monies are pass-through monies to the FBI. There will be a charge for EMS agencies to send their medical directors to training. This charge is \$50 per person every 4 years. The aggregate cost to EMS agencies would be approximately \$1,450 per year. There are no other costs or savings from the changes that are requested.

❖OTHER PERSONS: There is a potential savings to private ambulance services. If they have 4 people who have been in the military or on a religious mission within the past 5 years, they would save \$19 each, or a total of \$76 annually. These monies are pass-through monies to the FBI. There will be a charge for private EMS agencies to send their medical directors to training. This charge is \$50 per person every 4 years. The aggregate cost to private EMS agencies would be approximately \$100 per year. There are no other costs or savings from the changes that are requested.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The only affected persons who will see any costs are the medical directors from each EMS agency. That cost will be \$50 per medical director every 4 years. EMS agencies only have one medical director.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: Balanced against the savings from the need for fewer unnecessary national criminal background checks for permanent residents of Utah, the cost to send a medical director to specialized training every four years seems reasonable, unless public comment suggests that the true cost has been underestimated by the Department. Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health  
Health Systems Improvement,  
Emergency Medical Services  
Cannon Health Building  
288 North 1460 West  
PO Box 142004  
Salt Lake City, UT 84114-2004, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Leslie Johnson at the above address, by phone at (801) 538-6292, by FAX at (801) 538-6808, or by Internet E-mail at ljohnso@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: Rod Betit, Executive Director

**R426. Health, Health Systems Improvement, Emergency Medical Services.**

**R426-12. Emergency Medical Services Training and Certification Standards.**

.....

**R426-12-101. Written and Practical Test Requirements.**

- (1) The Department shall:
  - (a) develop written and practical tests for each certification; and

(b) establish the passing score for certification and recertification written and practical tests.

(2) The Department may administer the tests or delegate the administration of any test to another entity.

(3) The Department may release only to the individual who took the test and to persons who have a signed release from the individual who took the test:

(a) whether the individual passed or failed a written or practical test; and

(b) the subject areas where items were missed on a written or practical test.

**R426-12-102. Emergency Medical Care During Clinical Training.**

A student enrolled in a [d]Department[-]-approved training program may, under the direct supervision of the course coordinator, an instructor in the course, or a preceptor for the course, perform activities delineated within the training curriculum that otherwise require the certification to perform those activities.

**R426-12-103. Temporary Certification for 2002 Winter Olympics.**

(1) The Department may issue temporary certifications, valid from January 1 to March 20, 2002, to individuals to work or volunteer with the Salt Lake Organizing Committee or a specific EMS provider organization that provides EMS services for the 2002 Winter Olympics or Paralympics.

(2) An individual certified and in good standing in another state, seeking Utah certification during the 2002 Winter Olympics or Paralympics under this section must:

(a) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(b) submit to a background investigation; and

(c) submit documentation of having completed within the prior two years, a cardiopulmonary resuscitation (CPR) course [~~in cardiopulmonary resuscitation~~] offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent.

**R426-12-200. Emergency Medical Technician-Basic (EMT-B) Requirements and Scope of Practice.**

(1) The Department may certify as an EMT-B[~~asic (EMT-B)~~] an individual who meets the initial certification requirements in R426-12-201.

(2) The Committee adopts the 1994 United States Department of Transportation's "EMT-Basic Training Program: National Standard Curriculum" (EMT-B Curriculum) except for Module 8, Advanced Airway, Appendix C, D, J, and K, as the standard for EMT-B training and competency in the state, which is [~~adopted and~~] incorporated by reference.

(3) An EMT-B may perform the skills as described in the EMT-B[~~asic Training Program: National Standard~~] Curriculum, as adopted in this section.

**R426-12-201. EMT-B Initial Certification.**

(1) The Department may certify an EMT-B for a four year period.

(2) An individual who wishes to become certified as an EMT-B must:

(a) maintain and submit documentation of having completed within the prior two years a CPR course offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

([a]b) successfully complete a Department-approved EMT-B course;

([b]c) be able to perform functions listed in the EMT-B[~~asic Training Program: National Standard~~] Curriculum as verified by personal attestation and successful accomplishment during the course of all cognitive, affective, and psychomotor skills and objectives[ ~~and all psychomotor skills and objectives~~] listed in the adopted EMT-B [e]Curriculum;

([e]d) achieve a favorable recommendation from the course coordinator and course medical director stating technical competence during field and clinical training and successful completion of all training requirements for EMT-B certification;

([e]e) be 18 years of age or older;

([e]f) submit the applicable fees and a completed application, including social security number and signature, to the Department;

([f]g) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

([g]h) submit to the Department a statement from a physician, confirming the applicant's results of a TB examination conducted within one year prior to completing the EMT-B course; and

([h]i) within 90 days after completing the EMT-B course, successfully complete the Department written and practical EMT-B examinations, or reexaminations, if necessary.

(3) The Department may extend the time limit in Subsection (2)([h]i) for an individual who demonstrates that the inability to meet the requirements within the 90 days was due to circumstances beyond his control.

**R426-12-202. EMT-B Certification Challenges.**

(1) The Department may certify as an EMT-B, a registered nurse licensed in Utah, a physician assistant licensed in Utah, [~~and~~] or a physician licensed in Utah who:

(a) is able to demonstrate knowledge, proficiency and [~~competence~~] competency to perform all the functions listed in the EMT-B[~~asic Training Program: National Standard~~] Curriculum as verified by personal attestation and successful demonstration to a currently certified course coordinator and an off-line medical director of all cognitive, affective, and psychomotor skills and objectives [ ~~and all psychomotor skills and objectives~~] listed in the EMT-B [e]Curriculum;

(b) has a knowledge of:

(i) medical control protocols;

(ii) state and local protocols;

(iii) the role and responsibilities of an EMT-B;

(c) maintains and submits documentation of having completed within the prior two years, a CPR course [~~in cardiopulmonary resuscitation~~] offered by the National Safety Council, the American

Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent; and

(d) is 18 years of age or older.

(2) To become certified, the applicant must:

(a) submit three letters of recommendation from health care providers attesting to the applicant's patient care skills and abilities;

(b) submit a favorable recommendation from a currently certified course coordinator attesting to competency of all knowledge and skills contained within the EMT-B Curriculum.

~~(b)(c)~~ submit an application, including social security number, signature, and~~including~~ documentation of compliance with this section, and pay all required fees;

~~(c)(d)~~ within 90 days after submitting the challenge application, successfully complete the Department written and practical EMT-B examinations, or reexaminations, if necessary;[

~~(d) submit the applicable fees and a completed application, including social security number and signature, to the Department;]~~

(e) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation; and

(f) submit a statement from a physician, confirming the applicant's results of a TB examination conducted within one year prior to submitting the application.

#### **R426-12-203. EMT-B Reciprocity.**

(1) The Department may certify as an EMT-B an individual certified outside of the State of Utah if the applicant can demonstrate the applicant's out-of-state training and experience ~~[is]~~requirements are equivalent to what is required in Utah.

(2) An individual seeking reciprocity for certification in Utah based on out-of-state training and experience must submit the applicable fees and a completed application, including social security number and signature, to the Department and within one year of submitting the application must:

(a) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

(b) submit a statement from a physician, confirming the applicant's results of a TB examination conducted within the prior year;

(c) successfully complete the Department written and practical EMT-B examinations, or reexaminations, if necessary;

(d) maintain and submit documentation of having completed within the prior two years, a CPR course ~~[in cardiopulmonary resuscitation]~~ offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(e) submit a current certification from one of the states of the United States or its possessions, or current registration and the name of the training institution if registered with the National Registry of EMTs; and

(f) provide documentation of completion of 25 hours of continuing medical education within the prior year.

#### **R426-12-204. EMT-B Recertification Requirements.**

(1) The Department may recertify an EMT-B for a four year period or for a shorter period as modified by the Department to standardize recertification cycles.

(2) An individual seeking recertification must:

(a) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(b) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

(c) maintain and submit documentation of having completed within the prior two years, a CPR course~~[in cardiopulmonary resuscitation]~~ offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(d) successfully complete the Department applicable written and practical recertification examinations, or reexaminations if necessary, within one year prior to expiration of the certification to be renewed;~~[and]~~

(e) submit a statement from the applicant's EMS provider organization or a physician, confirming the applicant's results of a TB examination~~[-]; and~~

(f) EMS Personnel are individually responsible for completing and submitting the required recertification material to the Bureau of Emergency Medical Services (Bureau). All recertification materials should be submitted to the Bureau at one time and no later than 30 days prior to the current expiration date. If paperwork is received later or the information is incomplete, the Bureau may not be able to process your recertification before your certification expires. Recertification material is processed in the order it is received. However, EMS personnel may formally work with a recognized EMS organization that may organize, conduct Continuing Medical Education (CME) programs, compile, and submit recertification materials on behalf of the individual. The Training Officers from EMS organizations must submit a letter verifying completion of requirements for recertification. Individuals who are not affiliated with an agency must submit all CME verification to the Bureau.

(g) provide documentation of completion of 100 hours of Department-approved continuing medical education (CME) distributed throughout each of the prior four years.

The required CME hours by subject are as follows:

2 - Well being of the EMT

2 - Infection Control

4 - Airway (must include insertion of nasopharyngeal and oropharyngeal airways)

10 - Patient Assessment

4 - Communications and Documentation

8 - Pharmacology and Patient Assisted Medications (must include nitroglycerine, pre-loaded epinephrine, inhaler, and glucose)

6 - Medical Emergencies: Cardiac and Automatic External Debrillation (AED) (must include Defibrillation of a patient in cardiac arrest using an AED)

7 - Medical emergencies: Including but not limited to respiratory, allergic reactions, environmental abdominal, diabetes, behavioral, poisoning, drugs, and alcohol

12 - Trauma: including but not limited to: bleeding, shock, soft tissue, burns, kinetics, musculoskeletal, head and spine, eyes, face, chest, splinting and bandaging. (to include bandaging of the arm, elbow, shoulder, neck, top of head, cheek, protruding eye, ear, and open chest wound; splinting using hare traction or sager splint (choice based upon availability of equipment); splinting of at least one upper and lower extremity; cervical and spinal immobilization using c-collar, long board, head stabilization equipment (utilize available equipment) and straps.

8 - Pediatric patients (to include pediatric immobilization, in a car seat and backboard.

4 - Obstetrics and Gynecology

4 - Operations: including but not limited to: lifting and moving, ambulance operations, extrication, triage

4 - HAZMAT awareness

25 - Electives

(h) The Bureau may need to adjust recertification periods. If this occurs, the CME requirements will be adjusted for those who are affected. The Bureau will recognize the expiration date on the EMS identification card as the official expiration date.

(i) Completion of the CME hours may be accomplished via several different means. The limit of the number of CME hours that can be obtained by certain methods is as follows:

(A) Group Training - (Instructors of these training sessions do not have to be EMS instructors, but do have to be qualified experts in the field of instruction.) Workshops and seminars related to the required skills and knowledge of an EMT and approved for CME credit by the Bureau or the Continuing Education Coordinating Board for EMS (CECBEMS); local medical training meetings; medical training meetings where a guest speaker presents material related to emergency medical care; demonstration or practice sessions; community emergency exercise and disaster drills. CME hours will only be provided for the time actually involved in the exercise (i.e. If exercise lasts for eight hours and you are only involved for four hours, you will only be allowed four hours). No more than 10 hours will be allowed during recertification period.

Audiovisuals (films, videotapes) which illustrate and review proper emergency care procedures (must be viewed in presence of training officer) no more than 10 hours.

Specific college courses may be utilized only with the approval of the Bureau (no more than 10 hours). Classes such as biology, chemistry, anatomy and physiology don't require the Bureau's approval, but all other classes require Bureau approval; CPR training (no more than 16 hours in CPR in the four year period).

(B) Teaching classes - No more than 15 hours of CME will be credited for teaching classes during any certification period. Teaching general public (schools, scouts, clubs, or church groups) any topic within the scope of the Basic EMT.

(C) Use of Audio-Visuals - no more than 10 hours of CME can be obtained using audiovisual only. Audiovisuals (films, videotapes, etc.) which illustrate and review proper emergency care procedures can be used.

(D) Computer use - No more than a total of 25 hours of CME can be obtained via this mode. Utilizing computers, internet, software, or the like, which illustrate, practice, provide interactive use, or demonstrate proper emergency care procedures can be used. These programs only can be utilized if approved by the Continuing Education Coordinating Board of Emergency Medical Services (CECBEMS) or the Bureau.

(E) Journals - No more than a total of five hours of CME can be obtained via this mode. Completing tests from various journals or publications, which are related to the EMT scope of practice.

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**R426-12-206. EMT-B Testing Failures.**

(1) [Except as provided in Subsection (2):  
 — (a) —]An individual who fails any part of the EMT-B certification written or practical examination may retake the EMT-B examination once without further course work.

([b]a) If the individual fails on the re-examination, he must take a complete EMT-B training course to be eligible for further examination.

([e]b) The individual may retake the course as many times as he desires, but may only take the examinations twice for each completed course.

~~[(2) An EMT-B who fails any part of the recertification written or practical examination may retake the examinations once without retaking the course. If the EMT-B fails on the reexaminations, he may:~~

~~— (a) retake the course; or~~

~~— (b) request a meeting with department staff to evaluate reasons for the failure and suggest methods for remediation;~~

~~— (3) The Department may offer the examination one additional time if:~~

~~— (a) the Department allows remediation;~~

~~— (b) the Department determines that the individual would likely pass the examination after completion of any suggested remediation; and~~

~~— (c) the EMT-B completes the remediation;](2) If an EMT-B fails the written or practical recertification examination after two attempts, he may, within 30 days following mailing of written notification of this second failure, submit a written request to take the test a third time.~~

(3) Within 30 days of receipt of the request, the Department shall convene a review hearing consisting of:

(a) The training officer of the individual's EMS provider organization, if the individual is employed by or is associated with an EMS provider organization as an EMS personnel, or a certified EMS training officer or certified EMS instructor who would take responsibility for a remediation plan; and

(b) A representative of the Department.

(4) The review hearing shall allow the individual to appear and provide information.

(5) The Department shall determine whether a program of re-education and reexamination would likely result in successful completion of the examinations and shall recommend a course of action to the Department.

(6) The Department shall consider the review hearing's recommendation and provide one opportunity for reexamination if it determines that re-education and reexamination within that time would likely result in successful completion of the examinations.

([4]7) If the Department does not allow the third examination, the EMT-B may seek review before the EMS Committee by filing a request for agency action within 30 days [if]of issuance of the Department's determination.

**R426-12-300. EMT-B-IV Requirements and Scope of Practice.**

(1) The Department may certify an EMT-B as an EMT-Basic with IV capabilities (EMT-B-IV) who:

(a) meets the requirements of this section;

(b) meets the initial certification requirements in R426-12-301; and

~~(b)(c)~~ has 12 months of field experience as a certified EMT-B; however, the 12 month period may be reduced to[;] six months with special authorization from the Department, based[of which may be waived] upon a written request from the off-line medical director showing that there is a shortage of EMT-B-IVs to serve the area.

(2) The Committee adopts as the standard for EMT-B-IV training and competency in the state the following affective, cognitive, and psychomotor objectives for IV therapy: 1-1, 1-2, 1-4, 3-5, 3-6, 4-2, 6-3, 7-1, and Clinical from the 1999 United States Department of Transportation's "Emergency Medical Technician-Intermediate Training Program: National Standard Curriculum" (EMT-I Curriculum)[as the standard for EMT-B-IV training and competency in the state], which is [adopted and] incorporated with reference with the following exceptions: 1-1.18-24, 1-1.27, 1-1.54, 1-2.10-12, 1-2.19-30, 1-2.35, 1-2.37-41, 1-2.43, 1-2.50-51, 1-2.55-59, 1-4.5-6, 1-4.9, 1-4.15-21, 1-4.25, 1-4.35-39, 3-5.29, 3-6.5, 6-3.1, 6-3.13-15, 6-3.19-48, 6-3.55-83, 6-3.87-106, 6-3.122-124, 6-3.126, 6-3.128-140, 7-1.13-15, 7-1.17-18, 7-1.20, 7-1.26a, b, c, e, f, g, i. The applicant must demonstrate the ability to: (a) safely perform endotracheal intubation; (b) effectively ventilate unintubated patients of any age groups; (c) perform an advanced assessment on pediatric patients; (d) perform a comprehensive assessment on adult patients; (e) perform an advanced assessment on geriatric patients; (f) perform an advanced assessment on obstetric patients; (g) perform an advanced assessment on trauma patients; (h) perform an advanced assessment on psychiatric patients; (i) perform an advanced assessment, formulate and implement a treatment plan for patients with chest pain; (j) perform an advanced assessment, formulate and implement a treatment plan for patients with dyspnea/respiratory distress; (k) perform an advanced assessment, formulate and implement a treatment plan for patients with syncope; (l) perform an advanced assessment, formulate and implement a treatment plan for patients with abdominal complaints; (m) perform an advanced assessment, formulate and implement a treatment plan for patients with altered mental status; and (n) serve as a team leader in a variety of prehospital emergency situations.

(3) In addition to the skills that an EMT-B may perform, an EMT-B-IV may perform the ~~[IV]adopted~~ skills described in the ~~EMT-I[Intermediate Training Program: National Standard] Curriculum.~~

**R426-12-301. EMT-B-IV Initial Certification.**

(1) ~~[The Department may certify an EMT-B-IV for a four year period.]~~The expiration for the IV certification shall correlate with the expiration date for the EMT-B certification. If the EMT-B expiration date is less than one year after the date of the IV certification, the individual need not re-t[est for]ake the IV test[~~module~~]. Thereafter, recertification requirements must be completed every four years in conjunction with recertification as an EMT-B.

(2) An individual who wishes to become certified as an EMT-B-IV must:

(a) successfully complete a Department-approved EMT-B-IV course;

~~(b) be able to perform functions listed in the [EMT-IV module]objectives of the [Emergency Medical Technician-Intermediate: National Standard]EMT-I Curriculum adopted in R426-12-300 as verified by personal attestation and successful accomplishment during the course of all cognitive, affective, and psychomotor skills and objectives [and all psychomotor skills and objectives listed]in the adopted EMT-I [e]Curriculum;~~

(c) achieve a favorable recommendation from the course coordinator and course medical director stating technical competence during field and clinical training and successful completion of all training requirements for EMT-B-IV certification; and

~~(d) [be 18 years of age or older;~~

~~—(e) submit the applicable fees and a completed application, including social security number and signature, to the Department;~~

~~—(f) submit to a background investigation;~~

~~—(g) submit to the Department a statement from a physician, confirming the applicant's results of a TB examination conducted within one year prior to completing the EMT-B-IV course, and]be currently certified as an EMT-Basic.~~

~~(h)(e)~~ within 90 days after completing the EMT-B-IV course, successfully complete the Department written and practical EMT-B-IV examinations, or reexaminations, if necessary.

~~(3)4~~ The Department may extend the time limit in Subsection ~~(2)(h)3~~ for an individual who demonstrates that the inability to meet the requirements within the 90 days was due to circumstances beyond his control.

**R426-12-302. EMT-B-IV Reciprocity.**

(1) The Department may certify as an EMT-B-IV an individual certified outside of the State of Utah if the applicant can demonstrate the applicant's out-of-state training and experience ~~[is]requirements are equivalent to what is required in Utah.~~

(2) An individual seeking reciprocity for certification in Utah based on out-of-state training and experience must submit the applicable fees and a completed application, including social security number and signature, to the Department and within one year of submitting the application must:

(a) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

(b) submit a statement from a physician, confirming the applicant's results of a TB examination conducted within the prior year;

(c) successfully complete the Department written and practical EMT-B-IV examinations, or reexaminations, if necessary;

(d) maintain and submit documentation of having completed within the prior two years, a CPR course [in cardiopulmonary resuscitation]offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(e) submit a current certification from one of the states of the United States or its possessions, or current registration and the

name of the training institution if registered with the National Registry of EMTs; and

(f) provide documentation of completion of 25 hours of continuing medical education within the prior year.

#### **R426-12-303. EMT-B-IV Recertification Requirements.**

(1) The Department may recertify ~~an individual as~~ an EMT-B-IV for a four year period or for a shorter period as modified by the Department to standardize recertification cycles.

(2) An individual seeking recertification must:

(a) complete all EMT-B recertification requirements;

(b) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(c) submit a letter from the off-line medical director recommending the individual for recertification and verifying the individual's demonstrated proficiency in the following EMT-B-IV skills:

(i) initiating and terminating intravenous infusion;

(ii) successful completion of the Department's pediatric vascular access skills station; and

(iii) insertion and removal of intraosseous needles; and

(d) successfully complete the Department's IV written recertification examination, or reexamination if necessary, within one year prior to expiration of the IV certification.

(e) In addition to the CME requirements in R426-12-204, submit verification of eight of the 100 hours of CME in topics in advanced EMT-IV subjects, such as IV fluid challenges, acid base balance, pathophysiology of shock, etc.

#### **R426-12-304. EMT-B-IV Lapsed Certification.**

(1) An individual whose EMT-B-IV certification has expired for less than one year, may, within one year after expiration, complete all recertification requirements and pay a lapsed fee to become certified.

(2) An individual whose EMT-B-IV certification has expired for more than one year must ~~take~~ retake the IV training and reapply as if there were no prior IV certification.

#### **R426-12-305. EMT-B-IV Testing Failures.**

(1) ~~Except as provided in Subsection (2):~~

~~(a)~~ An individual who fails any part of the EMT-B-IV certification written or practical examination may retake the EMT-B-IV examination once without further course work.

~~(b)~~ If the individual fails on the re-examination, he must take a complete EMT-B-IV training course to be eligible for further examination.

~~(c)~~ The individual may retake the course as many times as he desires, but may only take the examinations twice for each completed course.

~~(2) An EMT-B-IV who fails any part of the recertification written or practical examination may retake the examinations once without retaking the course. If the EMT-B-IV fails on the reexaminations, he may:~~

~~(a) retake the course; or~~

~~(b) request a meeting with department staff to evaluate reasons for the failure and suggest methods for remediation;~~

~~(3) The Department may offer the examination one additional time if:~~

~~(a) the Department allows remediation;~~

~~(b) the Department determines that the individual would likely pass the examination after completion of any suggested remediation; and~~

~~(c) the EMT-B-IV completes the remediation. (2) If an EMT-B-IV fails the written or practical recertification examination after two attempts, he may, within 30 days following mailing of written notification of this second failure, submit a written request to take the test a third time.~~

~~(3) Within 30 days of receipt of the request, the Department shall convene a review hearing consisting of:~~

~~(a) The training officer of the individual's EMS provider organization, if the individual is employed by or is associated with an EMS provider organization as an EMS personnel, or a certified EMS training officer or certified EMS instructor who would take responsibility for a remediation plan; and~~

~~(b) A representative of the Department.~~

~~(4) The review hearing shall allow the individual to appear and provide information.~~

~~(5) The hearing officer shall determine whether a program of re-education and reexamination would likely result in successful completion of the examinations and shall recommend a course of action to the Department.~~

~~(6) The Department shall consider the review hearing's recommendation and provide one opportunity for reexamination if it determines that re-education and reexamination within that time would likely result in successful completion of the examinations.~~

~~(7) If the Department does not allow the third examination, the EMT-B-IV may seek review before the EMS Committee by filing a request for agency action within 30 days of issuance of the Department's determination.~~

#### **R426-12-400. EMT-I Requirements and Scope of Practice.**

(1) The Department may certify an individual as an EMT-Intermediate (EMT-I) who:

(a) meets the initial certification requirements in R426-12-401;

(b) is currently certified as an EMT-B or EMT-B-IV; and

(c) has 12 months of field experience as a certified EMT-B or EMT-B-IV; however, the 12 month period may be reduced to six months with special authorization from the Department based upon a written request from the off-line medical director that there is a shortage of EMT-Is to serve the area.

(2) The Committee adopts the 1999 United States Department of Transportation's "EMT-I [intermediate Training Program: National Standard] Curriculum" as the standard for EMT-I training and competency in the state, which is ~~adopted and~~ incorporated by reference with the exception of the following objectives: 1-1.18, 1-1.19, 1-1.20, 1-1.21, 1-1.22, 1-1.23, 1-1.24, 1-1.54, 2-1.8, 2-1.31f, 2-1.33, 2-1.75e, 2-1.75f, 6-3.1, 6-3.102, 6-3.103, 6-3.104, 6-3.105, and 6-3.106.

(3) An EMT-I may perform the skills described in the EMT-I [intermediate Training Program: National Standard] Curriculum, as adopted in this section.

#### **R426-12-401. EMT-I Initial Certification.**

(1) The Department may certify an EMT-I for a four year period.

(2) An individual who wishes to become certified as an EMT-I must:

(a) successfully complete a Department-approved EMT-I course;

(b) be able to perform functions listed in the objectives of the EMT-I~~[intermediate Training Program: National Standard]~~ Curriculum adopted in R426-12-400 as verified by personal attestation and successful accomplishment during the course of all cognitive, affective, and psychomotor skills and objectives ~~[and all psychomotor skills and objectives]~~ listed in the adopted EMT-I C~~[e]~~urriculum;

(c) achieve a favorable recommendation from the course coordinator and course medical director stating technical competence during field and clinical training and successful completion of all training requirements for EMT-I certification;~~[and]~~

(d) be 18 years of age or older;

(e) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(f) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

(g) submit to the Department a statement from a physician, confirming the applicant's results of a TB examination conducted within one year prior to completing the EMT-I course;~~[and]~~

(h) within 90 days after completing the EMT-I course, successfully complete the Department written and practical EMT-~~[B]~~ examinations, or reexaminations, if necessary.

(i) maintain and submit documentation of having completed within the prior two years a CPR course offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(3) The Department may extend the time limit in Subsection (2)(h) for an individual who demonstrates that the inability to meet the requirements within the 90 days was due to circumstances beyond his control.

#### **R426-12-402. EMT-I Reciprocity.**

(1) The Department may certify as an EMT-I an individual certified outside of the State of Utah if the applicant can demonstrate the applicant's out-of-state training and experience ~~[is]~~ requirements are equivalent to what is required in Utah.

(2) An individual seeking reciprocity for certification in Utah based on out-of-state training and experience must submit the applicable fees and a completed application, including social security number and signature, to the Department and within one year of submitting the application must:

(a) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

(b) submit a statement from a physician, confirming the applicant's results of a TB examination conducted within the prior year;

(c) successfully complete the Department written and practical EMT-I examinations, or reexaminations, if necessary;

(d) maintain and submit documentation of having completed within the prior two years a CPR course ~~[in cardiopulmonary resuscitation]~~ offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(e) submit a current certification from one of the states of the United States or its possessions, or current registration and the name of the training institution if registered with the National Registry of EMTs; and

(f) provide documentation of completion of 25 hours of continuing medical education within the prior year.

#### **R426-12-403. EMT-I Recertification Requirements.**

(1) The Department may recertify an individual as an EMT-I for a four year period or for a shorter period as modified by the Department to standardize recertification cycles.

(2) An individual seeking recertification must:

(a) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(b) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

(c) maintain and submit documentation of having completed within the prior two years a CPR course~~[in cardiopulmonary resuscitation]~~ offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(d) successfully complete the Department applicable written and practical recertification examinations, or reexaminations if necessary, within one year prior to expiration of the certification to be renewed;

(e) submit a statement from the applicant's EMS provider organization or a physician, confirming the applicant's results of a TB examination;

~~[(f) complete the specific recertification requirements for the certification level.](f) EMS Personnel are individually responsible for completing and submitting the required recertification material to the Bureau of Emergency Medical Services (Bureau). All recertification materials should be submitted to the Bureau at one time and no later than 30 days prior to the current expiration date. If paperwork is received later or the information is incomplete, the Bureau may not be able to process your recertification before your certification expires. Recertification material is processed in the order it is received. However, EMS personnel may formally work with a recognized EMS organization that may organize, conduct Continuing Medical Education (CME) programs, compile, and submit recertification materials on behalf of the individual. The Training Officers from EMS organizations must submit a letter verifying completion of requirements for recertification. Individuals who are not affiliated with an agency must submit all CME verification to the Bureau.~~

(g) provide documentation of completion of 100 hours of Department-approved continuing medical education (CME) distributed throughout each of the prior four years.

The required CME hours by subject are as follows:

- 4 - Foundations of EMT-Intermediate
- 5 - Pharmacology
- 5 - Venous Access and Medication Administration
- 8 - Airway
- 4 - Techniques of Physical Examination
- 2 - Patient Assessment
- 4 - Clinical Decision Making
- 3 - Trauma Systems and Mechanism of Injury
- 4 - Hemorrhage and Shock
- 3 - Burns
- 3 - Thoracic Trauma
- 2 - Respiratory
- 6 - Cardiac
- 2 - Diabetic
- 2 - Allergic Reactions
- 2 - Poisoning
- 2 - Environmental Emergencies
- 2 - Gynecology
- 2 - OB
- 4 - Neonatal resuscitation
- 6 - Pediatrics
- 25 - Electives - suggested Anatomy and Physiology,

Assessment Based Management, Behavioral Emergencies, Communication, Documentation, Geriatrics, HAZMAT, History Taking, Mass Casualty Incident, Medical Incident Command, Neurological Emergencies, Non-Traumatic Abdominal Emergencies, and Trauma Practical Lab.

(h) The Bureau may need to adjust recertification periods. If this occurs, the CME requirements will be adjusted for those who are affected. The Bureau will recognize the expiration date on the EMS identification card as the official expiration date.

(i) Completion of the CME hours may be accomplished via several different means. The limit of the number of CME hours that can be obtained by certain methods is as follows:

(A) Group Training - (Instructors of these training sessions do not have to be EMS instructors, but do have to be qualified experts in the field of instruction.) Workshops and seminars related to the required skills and knowledge of an EMT and approved for CME credit by the Bureau or the Continuing Education Coordinating Board for EMS (CECBEMS); local medical training meetings; medical training meetings where a guest speaker presents material related to emergency medical care; demonstration or practice sessions; community emergency exercise and disaster drills. CME hours will only be provided for the time actually involved in the exercise (i.e. If exercise lasts for eight hours and you are only involved for four hours, you will only be allowed four hours). No more than 10 hours will be allowed during recertification period.

Audiovisuals (films, videotapes) which illustrate and review proper emergency care procedures (must be viewed in presence of training officer) no more than 10 hours.

Specific college courses may be utilized only with the approval of the Bureau (no more than 10 hours). Classes such as biology, chemistry, anatomy and physiology don't require the Bureau's approval, but all other classes require Bureau approval; CPR training (no more than 16 hours in the four year period).

(B) Teaching classes - No more than 15 hours of CME will be credited for teaching classes during any certification period.

Teaching general public (schools, scouts, clubs, or church groups) any topic within the scope of the Basic EMT.

(C) Use of Audio-Visuals - no more than 10 hours of CME can be obtained using audiovisual only. Audiovisuals (films, videotapes, etc.) which illustrate and review proper emergency care procedures can be used.

(D) Computer use - No more than a total of 25 hours of CME can be obtained via this mode. Utilizing computers, internet, software, or the like, which illustrate, practice, provide interactive use, or demonstrate proper emergency care procedures can be used. These programs only can be utilized if approved by the Continuing Education Coordinating Board of Emergency Medical Services (CECBEMS) or the Bureau.

(E) Journals - No more than a total of five hours of CME can be obtained via this mode. Completing tests from various journals or publications, which are related to the EMT scope of practice.

[(g) complete a minimum of 25 hours of Department-approved continuing medical education in each of the prior four years and submit to the Department evidence of completion; and]

[(h)] submit a letter from the off-line medical director recommending the individual for recertification and verifying the individual's demonstrated proficiency in the following EMT-I skills:

- (i) initiating and terminating intravenous infusion;
- (ii) completion of pediatric vascular access skills station;
- (iii) insertion and removal of intraosseous needle;
- (iv) insertion and removal of endotracheal tube;
- (v) administration of medications via intramuscular, subcutaneous, and intravenous routes; and
- (vi) EKG rhythm recognition.

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**R426-12-405. EMT-I Testing Failures.**

(1) ~~[(Except as provided in Subsection (2):~~

~~—(a)—]An individual who fails any part of the EMT-I certification written or practical examination may retake the EMT-I examination once without further course work.~~

~~[(b)a] If the individual fails on the re-examination, he must take a complete EMT-I training course to be eligible for further examination.~~

~~[(e)b] The individual may retake the course as many times as he desires, but may only take the examinations twice for each completed course.~~

~~[(2) An EMT-I who fails any part of the EMT-I recertification written or practical examination may retake the examinations once without retaking the course. If the EMT-I fails on the reexamination, he may:~~

- ~~—(a) retake the course; or~~
- ~~—(b) request a meeting with department staff to evaluate reasons for the failure and suggest methods for remediation;~~
- ~~—(3) The Department may offer the examination one additional time if:~~
  - ~~—(a) the Department allows remediation;~~
  - ~~—(b) the Department determines that the individual would likely pass the examination after completion of any suggested remediation; and~~
  - ~~—(c) the EMT-I completes the remediation.](2) If an EMT-I fails the written or practical recertification examination after two attempts, he may, within 30 days following mailing of written~~

notification of this second failure, submit a written request to take the test a third time.

(3) Within 30 days of receipt of the request, the Department shall convene a review hearing consisting of:

(a) The training officer of the individual's EMS provider organization, if the individual is employed by or is associated with an EMS provider organization as an EMS personnel, or a certified EMS training officer or certified EMS instructor who would take responsibility for a remediation plan; and

(b) A representative of the Department.

(4) The review hearing shall allow the individual to appear and provide information.

(5) The Department shall determine whether a program of re-education and reexamination would likely result in successful completion of the examinations and shall recommend a course of action to the Department.

(6) The Department shall consider the review hearing's recommendation and provide one opportunity for reexamination if it determines that re-education and reexamination within that time would likely result in successful completion of the examinations.

(#)7 If the Department does not allow the third examination, the EMT-I may seek review before the EMS Committee by filing a request for agency action within 30 days [#]of issuance of the Department's determination.

#### **R426-12-500. Paramedic Requirements and Scope of Practice.**

(1) The Department may certify an individual as a paramedic who:

(a) meets the initial certification requirements in R426-12-501;

(b) has 12 months of field experience as a certified EMT-B, EMT-B-IV, or EMT-I; however, the 12 month period may be reduced to six months with special authorization from the Department based upon a written request from the off-line medical director that there is a shortage of paramedics to serve the area.

(2) The Committee adopts the 1998 United States Department of Transportation's "EMT-Paramedic Training Program: National Standard Curriculum" (Paramedic Curriculum) as the standard for paramedic training and competency in the state, which is ~~adopted and~~ incorporated by reference.

(3) A paramedic may perform the skills described in the ~~[EMT-]Paramedic[; National Standard]~~ Curriculum.

#### **R426-12-501. Paramedic Initial Certification.**

(1) The Department may certify a paramedic for a four year period.

(2) An individual who wishes to become certified must:

(a) successfully complete a Department-approved paramedic course;

(b) be able to perform functions listed in the ~~[EMT-]Paramedic[ Training Program: National Standard]~~ Curriculum as verified by personal attestation and successful accomplishment during the course of all cognitive, affective, and psychomotor skills and objectives ~~[and all psychomotor skills and objectives-]~~ listed in the adopted paramedic [e]Curriculum;

(c) achieve a favorable recommendation from the course coordinator and course medical director stating technical competence during field and clinical training and successful completion of all training requirements for paramedic certification;

(d) be 18 years of age or older;

(e) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(f) submit to a background investigation~~[-and]~~, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

(g) submit verification of completion of a Department-approved course in adult and pediatric advanced cardiac life support and maintain current status as set by the entity sponsoring the course;

(~~g~~)h submit to the Department a statement from a physician, confirming the applicant's results of a TB examination conducted within one year prior to completing the paramedic course; and

(~~h~~)i within 90 days after completing the paramedic course, successfully complete the Department written and practical paramedic examinations, or reexaminations, if necessary.

(3) The Department may extend the time limit in Subsection (2)(~~h~~)i for an individual who demonstrates that the inability to meet the requirements within the 90 days was due to circumstances beyond his control.

#### **R426-12-502. Paramedic Reciprocity.**

(1) The Department may certify as a paramedic an individual certified outside of the State of Utah if the applicant can demonstrate the applicant's out-of-state training and experience ~~[is]~~ requirements are equivalent to what is required in Utah.

(2) An individual seeking reciprocity for certification in Utah based on out-of-state training and experience must submit the applicable fees and a completed application, including social security number and signature, to the Department and within one year of submitting the application must:

(a) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

(b) submit a statement from a physician, confirming the applicant's results of a TB examination conducted within the prior year;

(c) successfully complete the Department written and practical paramedic examinations, or reexaminations, if necessary;

(d) maintain and submit verification of current ~~[d]~~ Department-approved course completion in Adult and Pediatric Advanced Cardiac Life Support;

(e) submit a current certification from one of the states of the United States or its possessions, or current registration and the name of the training institution if registered with the National Registry of EMTs; and

(f) provide documentation of completion of 25 hours of continuing medical education within the prior year.

#### **R426-12-503. Paramedic Recertification Requirements.**

(1) The Department may recertify a paramedic for a four year period or for a shorter period as modified by the Department to standardize recertification cycles.

(2) An individual seeking recertification must:

(a) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(b) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

(c) successfully complete the applicable Department recertification examinations, or reexaminations if necessary, within one year prior to expiration of the certification to be renewed;

(d) submit a statement from the applicant's EMS provider organization or a physician, confirming the applicant's results of a TB examination;

~~[(e) complete the specific recertification requirements for the certification level;]~~(e) EMS Personnel are individually responsible for completing and submitting the required recertification material to the Bureau of Emergency Medical Services (Bureau). All recertification materials should be submitted to the Bureau at one time and no later than 30 days prior to the current expiration date. If paperwork is received later or the information is incomplete, the Bureau may not be able to process your recertification before your certification expires. Recertification material is processed in the order it is received. However, EMS personnel may formally work with a recognized EMS organization that may organize, conduct Continuing Medical Education (CME) programs, compile, and submit recertification materials on behalf of the individual. The Training Officers from EMS organizations must submit a letter verifying completion of requirements for recertification. Individuals who are not affiliated with an agency must submit all CME verification to the Bureau.

(f) provide documentation of completion of 100 hours of Department-approved continuing medical education (CME) distributed throughout each of the prior four years.

The required CME hours by subject are as follows:

- 2 - EMS system roles and responsibilities
- 2 - Well being of the paramedic
  - 1 - Pathophysiology
  - 1 - Medical legal
  - 1 - Pharmacology
  - 1 - Venous access and medication administration
  - 5 - Airway management and ventilation
  - 3 - Patient assessment
  - 1 - Communication
  - 1 - Documentation
  - 1 - Trauma Systems and Mechanism of injury
  - 2 - Hemorrhage and shock
  - 3 - Burns
  - 3 - Head and facial
    - 1 - Spinal trauma
  - 2 - Thoracic trauma
  - 2 - Abdominal trauma
    - 1 - Pulmonary
  - 9 - Cardiology
  - 4 - Neurology
  - 3 - Endocrinology
    - 1 - Allergies and anaphylaxis
  - 4 - Gastroenterology

2 - Toxicology

4 - Environmental

3 - Infectious and communicable diseases

1 - Behavioral/psychiatric disorders

2 - Obstetrics and gynecology

3 - Neonatology

5 - Pediatrics

2 - Geriatrics

1 - Assessment based management

2 - Medical incident command

1 - Hazardous materials incidents

25 - Electives - suggested Ethics, Illness and injury prevention,

Therapeutic communications, Life span development, Clinical decision making, Soft tissue trauma, Renal/urology, Hematology, Abuse and assault, Patients with special challenges, Acute intervention for chronic care patients, Ambulance operations, Rescue awareness and operations, Crime scene awareness

(g) Completion of the CME hours may be accomplished via several different means. The limit of the number of CME hours that can be obtained by certain methods is as follows:

(A) Group Training - (Instructors of these training sessions do not have to be EMS instructors, but do have to be qualified experts in the field of instruction.) Workshops and seminars related to the required skills and knowledge of an EMT and approved for CME credit by the Bureau or the Continuing Education Coordinating Board for EMS (CECBEMS); local medical training meetings; medical training meetings where a guest speaker presents material related to emergency medical care; demonstration or practice sessions; community emergency exercise and disaster drills. CME hours will only be provided for the time actually involved in the exercise (i.e. If exercise lasts for eight hours and you are only involved for four hours, you will only be allowed four hours). No more than 10 hours will be allowed during recertification period.

Audiovisuals (films, videotapes) which illustrate and review proper emergency care procedures (must be viewed in presence of training officer) no more than 10 hours.

Specific college courses may be utilized only with the approval of the Bureau (no more than 10 hours). Classes such as biology, chemistry, anatomy and physiology don't require the Bureau's approval, but all other classes require Bureau approval; CPR training (no more than 16 hours in CPR in the four year period).

(B) Teaching classes - No more than 15 hours of CME will be credited for teaching classes during any certification period. Teaching general public (schools, scouts, clubs, or church groups) any topic within the scope of the Basic EMT.

(C) Use of Audio-Visuals - no more than 10 hours of CME can be obtained using audiovisual only. Audiovisuals (films, videotapes, etc.) which illustrate and review proper emergency care procedures can be used.

(D) Computer use - No more than a total of 25 hours of CME can be obtained via this mode. Utilizing computers, internet, software, or the like, which illustrate, practice, provide interactive use, or demonstrate proper emergency care procedures can be used. These programs only can be utilized if approved by the Continuing Education Coordinating Board of Emergency Medical Services (CECBEMS) or the Bureau.

(E) Journals - No more than a total of five hours of CME can be obtained via this mode. Completing tests from various journals or publications, which are related to the EMT scope of practice.

~~(f)~~ complete a minimum of 25 hours of Department-approved continuing medical education in each of the prior four years and submit to the Department evidence of completion;

~~(g)h~~ maintain and submit verification of current ~~(d)~~Department-approved course completion in Adult and Pediatric Advanced Cardiac Life Support; and

~~(h)i~~ submit an evaluation of clinical competency and a recommendation for recertification from an off-line medical director.

#### **R426-12-504. Paramedic Lapsed Certification.**

An individual whose paramedic certification has expired and who wishes to become certified as a paramedic may:

(1) submit a completed application, including social security number and signature to the ~~(d)~~Department;

(2) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

(3) submit to the Department evidence of having completed 100 hours of Department-approved continuing medical education within the prior four years.

(4) submit a statement from a physician, confirming the applicant's results of a TB examination;

(5) submit verification of current completion of a ~~(d)~~Department-approved course in adult and pediatric advanced life support;

(6) submit a letter of recommendation including results of an oral examination, from a certified off-line medical director, verifying proficiency in paramedic skills;

(7) successfully complete the applicable Department written and practical examinations.

(8) pay all applicable fees.

#### **R426-12-505. Paramedic Testing Failures.**

(1) If an individual fails the written or practical certification or recertification examination after two attempts, he may, within 30 days following mailing of written notification ~~[in writing]~~ of this second failure, submit a written request to take the test a third time.

(2) Within thirty days of receipt of the request, the Department shall convene a review board consisting of:

(a) the chairman of the Paramedic Advisory Sub-Committee;

(b) the off-line medical director for the individual's EMS provider organization, if the individual is employed by or is associated with an EMS provider organization as an EMS personnel;

(c) a representative of the Department; and

(d) a representative from the entity that provided training, but if the training was not provided in-state, then a representative of an in-state paramedic training program~~[entity that provides paramedic training]~~.

(3) The review board shall allow the individual to appear and provide information.

(4) The board shall review whether a program of re-education and reexamination ~~[within 30 days]~~ would likely result in successful completion of the examinations and shall recommend a course of action to the ~~(d)~~Department.

(5) The Department shall consider the review board's recommendation and provide one opportunity for reexamination ~~[within 30 days of its decision]~~ if it determines that re-education and reexamination within that time would likely result in successful completion of the examinations.

#### **R426-12-600. Flight Nurse Recognition.**

The Department will recognize a Flight Nurse as field personnel when they comply with R426-11 (18) and respond aboard a Utah licensed air ambulance.

#### **R426-12-700. Highest Ranking On-Scene Medical Authority.**

On-scene field personnel will be ranked in the following order from highest to lowest:

(a) Flight Nurse;

(b) Paramedic;

(c) EMT-Intermediate;

(d) EMT-IV;

(e) EMT-Basic

#### **R426-12-[6]800. Emergency Medical Dispatcher (EMD).**

(1) The Department may certify as an EMD an individual who meets the initial certification requirements in R426-12-601.

(2) The Committee adopts the 1995 United States Department of Transportation's "EMD Training Program: National Standard Curriculum" (EMD Curriculum) as the standard for EMD training and competency in the state, which is ~~adopted and~~ incorporated by reference.

#### **R426-12-[6]801. EMD Initial Certification.**

(1) The Department may certify EMD for a four year period.

(2) An individual who wishes to become certified as an EMD must:

(a) successfully complete a Department-approved EMD course;

(b) be able to perform functions listed in the EMD~~[Training Program: National Standard]~~ Curriculum as verified by personal attestation and successful accomplishment of all skills listed in the adopted EMD C[~~e~~urriculum];

(c) achieve a favorable recommendation from the course coordinator and course medical director stating technical competence ~~[during]~~ and successful completion of all training requirements for EMD certification;

(d) maintain and submit documentation of having completed within the prior two years a CPR course offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

~~([d]e)~~ be 18 years of age or older;

~~([e]f)~~ submit the applicable fees and a completed application, including social security number and signature, to the Department;

~~([f]g)~~ submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation; and

([g]h) within 90 days after completing the EMD course, successfully complete the Department written and practical EMD examinations, or reexaminations, if necessary.

(3) The Department may extend the time limit in Subsection (2)(h) for an individual who demonstrates that the inability to meet the requirements within the 90 days was due to circumstances beyond his control.

#### **R426-12-[6]802. EMD Reciprocity.**

(1) The Department may certify as an EMD an individual certified outside of the State of Utah if the applicant can demonstrate the applicant's out-of-state training and experience [is]requirements are equivalent to what is required in Utah.

(2) An individual seeking reciprocity for certification in Utah based on out-of-state training and experience must submit the applicable fees and a completed application, including social security number and signature, to the Department and within one year of submitting the application must:

(a) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

(b) successfully complete the Department written EMD examination, or reexamination, if necessary;

(c) maintain and submit documentation of having completed within the prior two years a CPR course [in cardiopulmonary resuscitation] offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(d) submit a current certification from one of the states of the United States or its possessions or the National Academy of EMDs; and

(e) provide documentation of completion of 12 hours of continuing medical education within the prior year.

#### **R426-12-[6]803. EMD Recertification.**

(1) The Department may recertify an EMD for a four year period or for a shorter period as modified by the Department to standardize recertification cycles.

(2) An individual seeking recertification must:

(a) submit the applicable fees and a completed application, including social security number and signature, to the Department;

(b) submit to a background investigation, including an FBI background investigation if not a Utah resident for the past consecutive five years; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation;

(c) maintain and submit documentation of having completed within the prior two years a CPR course [in cardiopulmonary resuscitation] offered by the National Safety Council, the American Red Cross, or the American Heart Association or a course that the applicant can demonstrate to the Department to be equivalent;

(d) EMS Personnel are individually responsible for completing and submitting the required recertification material to the Bureau of Emergency Medical Services (Bureau). All recertification materials should be submitted to the Bureau at one

time and no later than 30 days prior to the current expiration date. If paperwork is received later or the information is incomplete, the Bureau may not be able to process your recertification before your certification expires. Recertification material is processed in the order it is received. However, EMS personnel may formally work with a recognized EMS organization that may organize, conduct Continuing Medical Education (CME) programs, compile, and submit recertification materials on behalf of the individual. The Training Officers from EMS organizations must submit a letter verifying completion of requirements for recertification. Individuals who are not affiliated with an agency must submit all CME verification to the Bureau.

(e) provide documentation of completion of 48 hours of Department-approved continuing medical education (CME) distributed throughout each of the prior four years.

The required CME hours by subject are as follows:

5 - Roles and Responsibilities

7 - Obtaining Information from callers

4 - Resource allocation

2 - Providing emergency care instruction

5 - Legal and Liability Issues

5 - Critical Incident Stress Management (CISM)

5 - Basic Emergency Medical Concepts

7 - Chief complaint types

8 - Electives

(f) Completion of the CME hours may be accomplished via several different means. The limit of the number of CME hours that can be obtained by certain methods is as follows:

(A) Group Training - (Instructors of these training sessions do not have to be EMS instructors, but do have to be qualified experts in the field of instruction.) Workshops and seminars related to the required skills and knowledge of an EMT and approved for CME credit by the Bureau or the Continuing Education Coordinating Board for EMS (CECBEMS); local medical training meetings; medical training meetings where a guest speaker presents material related to emergency medical care as related to the dispatcher; demonstration or practice sessions; community emergency exercise and disaster drills. CME hours will only be provided for the time actually involved in the exercise (i.e. If exercise lasts for eight hours and you are only involved for four hours, you will only be allowed four hours). No more than eight hours will be allowed during recertification period; Audiovisuals (films, videotapes) which illustrate and review proper emergency care procedures (must be viewed in presence of training officer) no more than 10 hours; Specific college courses may be utilized only with the approval of the Bureau (no more than eight hours). CPR training (no more than eight hours in CPR in the four year period).

(B) Teaching classes - No more than eight hours of CME will be credited for teaching classes during any certification period. Teaching general public (schools, scouts, clubs, or church groups) any topic within the scope of the dispatcher.

(C) Telephone Scenarios - No more than 16 hours of CME can be obtained via this mode. Practical training and role playing.

(D) Ride Along - No more than six hours can be obtained via this mode. Riding with paramedic or ambulance units to understand the EMS system as a whole.

(E) Computer Use - Utilizing computers, internet, software, or the like, which illustrate, practice, provide interactive use or demonstrate proper emergency care procedures can be used. These

programs only can be utilized if approved by the Continuing Education Coordinating Board of Emergency Medical Services (CECBEMS) or the Bureau.

(d) submit to the Department evidence of having completed 12 hours of Department-approved continuing medical education in each of the previous four years; and]

([e]g) successfully complete the applicable Department [EMD written] recertification examinations, or reexaminations if necessary, within one year prior to expiration of the certification to be renewed.

#### **R426-12-[6]804. EMD Lapsed Certification.**

[An EMD whose certification has expired must take the EMD course and reapply as if there were no prior certification:](1) An individual whose EMD certification has expired for less than one year may complete all recertification requirements and pay a lapsed fee to become recertified.

(2) An individual whose certification has expired for more than one year must take an EMD course and reapply as if there were no prior certification.

#### **R426-12-[6]805. EMD Testing Failures.**

[An individual who fails any part of the EMD certification or recertification written examination, may retake the examination once without retaking the course. The individual may retake the course as many times as he desires, but may only take the examinations twice for each completed course:](1) An individual who fails any part of the EMD certification written or practical examination may retake the EMD examination once without further course work.

(a) If the individual fails on the re-examination, he must take a complete EMD training course to be eligible for further examination.

(b) The individual may retake the course as many times as he desires, but may only take the examinations twice for each completed course.

(2) If an EMD fails the written or practical recertification examination after two attempts, he may, within 30 days following notification in writing of this second failure, submit a written request to take the test a third time.

(3) Within 30 days of receipt of the request, the Department shall convene a review hearing consisting of:

(a) The training officer of the individual's EMS provider organization, if the individual is employed by or is associated with an EMS provider organization as an EMS personnel, or a certified training officer who would take responsibility for a remediation plan; and

(b) A representative of the Department.

(4) The review hearing shall allow the individual to appear and provide information regarding a remediation plan.

(5) The hearing panel shall review whether a program of re-education and reexamination within 30 days would likely result in successful completion of the examinations and shall recommend a course of action to the Department.

(6) The Department shall consider the review hearing's recommendation and provide one opportunity for reexamination within 30 days of its decision if it determines that re-education and reexamination within that time would likely result in successful completion of the examinations.

(7) If the Department does not allow the third examination, the EMD may seek review before the EMS Committee by filing a request for agency action within 30 days of issuance of the Department's determination.

#### **R426-12-[7]900. Emergency Medical Services Instructor Requirements.**

(1) The Department may certify as an EMS Instructor an individual who:

(a) meets the initial certification requirements in R426-12-701; and

(b) has ~~been certified~~ had a Utah EMS certification as an EMT-Basic, EMT-IV, EMT-Intermediate, Paramedic, or Dispatcher for 12 months.

(2) The Committee adopts the 1995 United States Department of Transportation's "EMS Instructor Training Program: National Standard Curriculum" (EMS Instructor Curriculum) as the standard for EMS Instructor training and competency in the state, which is adopted and incorporated by reference.

(3) An EMS instructor may only teach up to the certification level to which the instructor is certified. An EMS instructor who is only certified as an EMD may only teach EMD courses.

(4) An EMS instructor must abide by the terms of the "EMS Instructor Contract," teach according to the contract, and comply with the teaching standards and procedures in the EMS Instructor Manual or EMD Instructor Manual as incorporated into the respective "EMS Instructor Contract" or "EMD Instructor Contract."

(5) An EMS instructor must maintain EMS certification as an EMT-Basic, EMT-IV, EMT-Intermediate, Paramedic, or Dispatcher.

(6) The Department may waive certain requirements of certification on a case-by-case basis, if the applicant can demonstrate that the applicant's training and experience requirements are equivalent to what are required in Utah.

#### **R426-12-[7]901. EMS Instructor Certification.**

(1) The Department may certify an individual who is an EMT-B, EMT-B-IV, EMT-I, paramedic, or EMD as an EMS Instructor for a two year period.

(2) An individual who wishes to become certified as an EMS Instructor must:

([b]a) submit an application and pay all applicable fees;

([c]b) submit three letters of recommendation regarding EMS skills and teaching abilities;

([d]c) submit documentation of 15 hours of teaching experience;

([e]d) successfully complete all required examinations; and

([f]e) submit ~~annually~~ biennially a completed and signed "EMS Instructor Contract" to the [d]Department agreeing to abide by the standards and procedures in the then current EMS Instructor Manual or EMD Instructor Manual.

(3) An individual who wishes to become certified as an EMS Instructor to teach EMT-B, EMT-B-IV, EMT-I, or paramedic courses must also:

(a) provide documentation of 30 hours of patient care within the prior year;

(b) submit verification that the individual is recognized as a CPR instructor by the National Safety Council, the American Red Cross, or the American Heart Association; and

(c) successfully complete the [d]Department-sponsored initial EMS instructor training course.

(4) An individual who wishes to become certified as an EMS Instructor to teach EMD courses must also successfully complete the [d]Department-sponsored initial EMS instructor training course.

(5) The Department may waive portions of the initial EMS instructor training courses for previously completed [d]Department-approved instructor programs.

**R426-12-[7]902. EMS Instructor Recertification.**

An EMS instructor who wishes to recertify as an instructor must:

- (1) maintain current EMS certification;
- (2) attend the required [d]Department-approved recertification training;
- (3) submit verification of 30 hours of EMS teaching experience in the prior two years;
- (4) if teaching an EMT-B, EMT-B-IV, EMT-I, or paramedic course, submit verification that the instructor is currently recognized as a CPR instructor by the National Safety Council, the American Red Cross, or the American Heart Association;
- (5) submit an application and pay all applicable fees;
- (6) successfully complete any Department-required examination; and
- (7) submit [~~annually~~]biennially a completed and signed "EMS Instructor Contract" to the [d]Department agreeing to abide by the standards and procedures in the [~~then~~] current EMS Instructor Manual.

**R426-12-[7]903. EMS Instructor Lapsed Certification.**

(1) An EMS instructor whose instructor certification has expired for less than two years may again become certified by completing the recertification requirements in R426-12-702.

(2) An EMS instructor whose instructor certification has expired for more than two years must complete all initial instructor certification requirements and reapply as if there were no prior certification.

**R426-12-[8]1000. Emergency Medical Services Training Officer Requirements.**

(1) The Department may certify an individual as a training officer for a one year period.

(2) A training officer must abide by the terms of the "Training Officer Contract" and comply with the standards and procedures in the Training Officer Manual as incorporated into the "Training Officer Contract."

**R426-12-[8]1001. Emergency Medical Services Training Officer Certification.**

(1) An individual who wishes to be certified as a training officer must:

- ([1]a) be currently certified as an EMS instructor;
- ([2]b) successfully complete the Department's [~~seminar~~]course for new training officers;
- ([3]c) successfully complete any Department examinations;
- ([4]d) submit an application and pay all applicable fees; and

([5]e) submit annually a completed and signed "Training Officer Contract" to the Department agreeing to abide by the standards and procedures in the then current Training Officer Manual.

(2) A training officer must maintain EMS instructor certification to retain training officer certification.

**R426-12-[8]1002. Emergency Medical Services Training Officer Recertification.**

A training officer who wishes to recertify as a training officer must:

- (1) attend a training officer seminar every year;
- (2) [~~be currently certified as an EMS instructor~~]maintain current EMS instructor certification;
- (3) submit an application and pay all applicable fees;
- (4) successfully complete any Department-examination requirements; and
- (5) submit annually a completed and signed new "Training Officer Contract" to the [d]Department agreeing to abide to the standards and procedures in the then current training officer manual.

**R426-12-[8]1003. Emergency Medical Services Training Officer Lapsed Certification.**

A training officer whose training officer certification has expired must complete all initial training officer certification requirements and reapply as if there were no prior certification.

**R426-12-[9]1100. Course Coordinator Certification.**

(1) The Department may certify an individual as a course coordinator for a one year period.

(2) A course coordinator must abide by the terms of the "Course Coordinator Contract" and comply standards and procedures in the Course Coordinator Manual as incorporated into the "Course Coordinator Contract."

**R426-12-[9]1101. Course Coordinator Certification.**

An individual who wishes to certify as a course coordinator must:

- (1) be certified as an EMS instructor for one year;
- (2) be an instructor of record for at least one Department-approved course;
- (3) have taught a minimum of 15 hours in a Department-approved course;
- (4) have co-coordinated one Department-approved course with a certified course coordinator;
- (5) submit a written evaluation and recommendation from the course coordinator in the co-coordinated course;
- (6) complete certification requirements prior to application to the Department's course for new course coordinators;
- (7) submit an application and pay all applicable fees;
- (8) complete the Department's course for new course coordinators;
- (9) successfully complete all examination requirements; [~~and~~]
- (10) sign and submit annually the "Course Coordinator Contract" to the Department agreeing to abide to the standards and procedures in the then current Course Coordinator Manual[-]; and
- (11) maintain EMS instructor certification.

**R426-12-~~[9]~~1102. Course Coordinator Recertification.**

A course coordinator who wishes to recertify as a course coordinator must:

- (1) ~~[be currently certified as an EMS instructor]~~maintain current EMS instructor certification;
- (2) coordinate or co-coordinate at least one Department-approved course every two years;
- (3) attend a course coordinator seminar every year;
- (4) submit an application and pay all applicable fees;
- (5) successfully complete all examination requirements; and
- (6) sign and submit annually a Course Coordinator Contract to the Department agreeing to abide to the policies and procedures in the then current Course Coordinator Manual.

**R426-12-~~[9]~~1103. Emergency Medical Services Course Coordinator Lapsed Certification.**

A course coordinator whose course coordinator certification has expired must complete all initial course coordinator certification requirements and reapply as if there were no prior certification.

**R426-12-1200. Paramedic Training Institutions Standards Compliance.**

(1) A person must be authorized by the Department to provide training leading to certification of paramedics.

(2) To become authorized and maintain authorization to provide paramedic training, a person must:

- (a) enter into the Department's standard paramedic training contract; and
- (b) adhere to the terms of the contract, including the requirement to provide training in compliance with the Course Coordinator Manual and the Utah Paramedic Training Program Accreditation Standards Manual.

**R426-12-~~[1000]~~1300. Course Approvals.**

A course coordinator offering EMS training to individuals to become certified must obtain Department approval prior to initiating an EMS training course. The Department shall approve a course if:

- (1) the applicant submits the course application and fees no earlier than 90 days and no later than 30 days prior to commencing the course;
- (2) the applicant has sufficient equipment available for the training or if the equipment is available for rental from the Department;
- (3) the Department finds that the course meets all the Department rules and contracts governing training;
- (4) the course coordinators and instructors hold current respective course coordinator and EMS instructor certifications; and
- (5) the Department has the capacity to offer the applicable examinations in a timely manner after the conclusion of the course.

**R426-12-~~[1100]~~1400. Off-line Medical Director Requirements.**

(1) The Department may certify an off-line medical director for a four year period.

(2) An off-line medical director must be:

- (a) a physician actively engaged in the provision of emergency medical care;
- (b) familiar with the Utah EMS Systems Act, Title 26, Chapter 8a, and applicable state rules; and

(c) familiar with medical equipment and medications required under "R426 Equipment, Drugs and Supplies List."

**R426-12-~~[1101]~~1401. Off-line Medical Director Certification.**

(1) An individual who wishes to certify as an off-line medical director must:

~~(1)~~(a) have completed an American College of Emergency Physicians or National Association of Emergency Medical Services Physicians medical director training course or the Department's medical director training course [or complete one] within [six]twelve months [after]of becoming a medical director;[-and]

~~(2)~~(b) submit an application;

~~(3)~~(c) [and]pay all applicable fees.

(2) An individual acting as a medical director prior to May 1, 2000 must complete the requirements by May 1, 2001.

(3) An individual who wishes to recertify as an off-line medical director must:

(a) Retake the medical director training course every four years;

(b) submit an application;

(c) pay all applicable fees.

**R426-12-~~[12]~~1400. Refusal, Suspension or Revocation of Certification.**

(1) The Department shall exclude from EMS certification an individual who may pose an unacceptable risk to public health and safety, as indicated by his criminal history. The Department shall conduct a background check on each individual who seeks to certify or recertify as an EMS personnel. An individual who has not lived in Utah for the past consecutive five years must also have an FBI background check; however a Utah resident who has been out-of-state on a religious mission, in the military, or serving as a foreign exchange student for any of the five years need not submit to the FBI background investigation.

(a) An individual convicted of certain crimes presents an unreasonable risk and the Department shall deny all applications for certification or recertification from individuals convicted of the following crimes:

(i) Sexual misconduct if the victim's failure to affirmatively consent is an element of the crime, such as forcible rape.

(ii) Sexual or physical abuse of children, the elderly or infirm, such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, assault on an elderly or infirm person.

(iii) Abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the applicant, if the victim is an out-of-hospital patient or a patient or resident of a health care facility.

(iv) Crimes of violence against persons, such as aggravated assault, murder or attempted murder, manslaughter except involuntary manslaughter, kidnaping, robbery of any degree; or arson; or attempts to commit such crimes.

(b) Except in extraordinary circumstances, established by clear and convincing evidence that certification or recertification will not jeopardize public health and safety, the Department shall deny applicants for certification or recertification in the following categories:

(i) Persons who are convicted of any crime not listed in (a) and who are currently incarcerated, on work release, on probation or on parole.

(ii) Conviction of crimes in the following categories, unless at least three years have passed since the conviction or at least three years have passed since release from custodial confinement, whichever occurs later:

(A) Crimes of violence against persons, such as assault

(B) Crimes defined as domestic violence under Section 77-36-1;

(C) Crimes involving controlled substances or synthetics, or counterfeit drugs, including unlawful possession or distribution, or intent to distribute unlawfully, Schedule I through V drugs as defined by the Uniform Controlled Dangerous Substances Act; and

(D) Crimes against property, such as grand larceny, burglary, embezzlement or insurance fraud.

(c) The Department ~~shall~~ may deny certification or recertification to individuals convicted of crimes, including DUIs, but not including minor traffic violations chargeable as infractions after consideration of the following factors:

(i) The seriousness of the crime.

(ii) Whether the crime relates directly to the skills of prehospital care service and the delivery of patient care.

(iii) Amount of time that has elapsed since the crime was committed.

(iv) Whether the crime involved violence to or abuse of another person.

(v) Whether the crime involved a minor or a person of diminished capacity as a victim.

(vi) Whether the applicant's actions and conduct since the crime occurred are consistent with the holding of a position of public trust.

(vii) Total number of arrests and convictions.

(viii) Whether the applicant was truthful regarding the crime on his/her application.

(2) Certified EMS personnel must notify the Department of any arrest, charge, or conviction within 30 days of the arrest, charge or conviction.

(a) The Department may suspend a certification for cause, including a felony or misdemeanor arrest or charge; and

(b) The Department may order EMS personnel not to practice when an active criminal or administrative investigation is being conducted.

(3) The Department may require EMS personnel to submit to a background examination or a drug test upon Department request.

(4) The Department may refuse to issue a certification or recertification, or suspend or revoke a certification, or place a certification on probation, for any of the following causes:

(a) any of the reasons for exclusion listed in Subsection (1);

(b) a violation of Subsection (2);

(c) a refusal to submit to a background examination pursuant to Subsection (3);

(d) habitual or excessive use or addiction to narcotics or dangerous drugs;

(e) refusal to submit to a drug test administered by the individual's EMS provider organization or the Department;

(f) habitual abuse of alcoholic beverages or being under the influence of alcoholic beverages while on call or on duty as an EMS personnel or while driving any Department-permitted vehicle;

(g) failure to comply with the training, certification, or recertification requirements for the certification;

(h) failure to comply with a contractual agreement as an EMS instructor, a training officer, or a course coordinator;

(i) fraud or deceit in applying for or obtaining a certification;

(j) fraud, deceit, incompetence, patient abuse, theft, or dishonesty in the performance of duties and practice as a certified individual;

(k) unauthorized use or removal of narcotics, drugs, supplies or equipment from any emergency vehicle or health care facility;

(l) performing procedures or skills beyond the level of certification or agency licensure;

(m) violation of laws pertaining to medical practice, drugs, or controlled substances;

(n) conviction of a felony, misdemeanor, or a crime involving moral turpitude, excluding minor traffic violations chargeable as infractions;

(o) mental incompetence as determined by a court of competent jurisdiction;

(p) demonstrated inability and failure to perform adequate patient care;

(q) inability to provide emergency medical services with reasonable skill and safety because of illness, drunkenness, use of drugs, narcotics, chemicals, or any other type of material, or as a result of any other mental or physical condition, when the individual's condition demonstrates a clear and unjustifiable threat or potential threat to oneself, coworkers, or the public health, safety, or welfare that cannot be reasonably mitigated; and

(r) misrepresentation of the level of certification, or displaying a level of certification on a uniform that is higher than the agency's level of licensure;

(s) failure to display state-approved emblem with level of certification during an EMS response, and

(r)t other or good cause, including conduct which is unethical, immoral, or dishonorable to the extent that the conduct reflects negatively on the EMS profession or might cause the public to lose confidence in the EMS system.

#### **R426-12-~~1201~~1500. Penalties.**

As required by Subsection 63-46a-3(5): Any person that violates any provision of this rule may be assessed a civil money penalty not to exceed the sum of \$5,000 or be punished for violation of a class B misdemeanor for the first violation and for any subsequent similar violation within two years for violation of a class A misdemeanor as provided in Section 26-23-6.

**KEY: emergency medical services**

**[October 1, 1999]2001**

**26-8a**

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Health, Health Systems Improvement,  
Licensing  
**R432-500**  
Freestanding Ambulatory Surgical  
Center Rules

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 23564

FILED: 03/21/2001, 10:28

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The rule identifies the standards for operating a Freestanding Surgical Ambulatory Surgical center. This change clarifies the qualified anesthetist responsibilities.

SUMMARY OF THE RULE OR CHANGE: Section R432-500-4: clarifies the definition of the term "qualified anesthetist." Section R432-500-20: clarifies the anesthesiology services to be provided to patients.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Title 26, Chapter 21

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: A cost of \$500 is anticipated. The cost of amending the rule and distributing a copy of the rule for ambulatory surgical facilities can be borne within the current budget.

❖LOCAL GOVERNMENTS: Local government should not have an increased cost or savings since they are not responsible for enforcement of this rule or the operation of a Freestanding Ambulatory Surgical Center.

❖OTHER PERSONS: There should not be an increased cost to implement this rule change, since the rule only defines the current anesthesia practice in the State of Utah and addresses the statutory requirements identified in the medicaid standards.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There should not be an increased cost for affected persons, since this rule change describes the current practice in Utah.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The proposed rule reflects a consensus approach to regulating anesthesiology services in Freestanding Ambulatory Surgical Centers recommended by the Health Facilities Committee. It does not appear that there will be significant costs to regulated businesses, but if public input suggests concerns, the Department will carefully evaluate the rule before allowing it to become final. Rod L. Betit

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Health  
Health Systems Improvement, Licensing

Second Floor, Cannon Health Building  
288 North 1460 West  
PO Box 142003  
Salt Lake City, UT 84114-2003, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Debra Wynkoop at the above address, by phone at (801) 538-6152, by FAX at (801) 538-6325, or by Internet E-mail at dynkoop@doh.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 04/24/2001, 11:00 a.m., Cannon Health Building, Conference Room 201, 288 North 1460 West, Salt Lake City, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: Rod L. Betit, Executive Director

**R432. Health, Health Systems Improvement, Licensing.  
R432-500. Freestanding Ambulatory Surgical Center Rules.  
R432-500-4. Definitions.**

(1) See common definitions R432-1-3.

(2) Special definitions.

(a) "Anesthesia service" ~~means~~ includes services for all patients who:

(i) receive general, spinal, or other major regional anesthesia,

or

(ii) undergo surgery or other procedures when receiving either or both of the following:

(A) general, spinal, or other regional anesthesia;

(B) intravenous, intramuscular, or inhalation sedation or analgesia that may result in the loss of the patient's protective reflexes.

(b) "Continual" means repeated regularly and frequently in steady rapid succession.

(c) "Continuous" means prolonged without any interruption at any time.

(d) "Monitored Anesthesia Care" ~~means~~ includes intraoperative monitoring by a qualified anesthetist ~~anesthesia personnel,~~ of the patient's vital physiological signs, in anticipation of the need for administration of general anesthesia or of the development of adverse physiological patient reaction to the surgical procedure. Monitored anesthesia care also includes performing a preanesthetic examination, evaluating planning, and administering ~~prescribing~~ anesthesia services ~~care~~ required, and providing indicated postoperative anesthesia services ~~care~~.

(e) "Qualified Anesthetist" means an anesthesiologist, another qualified physician, ~~dentist,~~ oral surgeon, or certified registered nurse anesthetist, who:

(i) is licensed to provide anesthesia services ~~care~~ in accordance with Utah laws for occupational and professional licensing,

(ii) is a member of the staff of the ambulatory surgical center,

(iii) has been determined by the facility to be competent, ~~and~~

(iv) has been granted privileges to provide anesthesia services[care] to patients in the facility; and[-]

(v) if the qualified anesthetist is a qualified physician or oral surgeon, has documented training that includes the equivalent of 40 days preceptorship with an anesthesiologist and is able to perform at least the following:

(A) safely render the patient insensible to pain during the performance of surgical, and other pain producing clinical procedures;

(B) monitor and sustain life support functions during the administration of anesthesia, including induction and intubation procedures; and

(C) provide pre-anesthesia and post-anesthesia management of the patient.

~~(f) "Qualified Anesthesia Personnel" means qualified anesthetists the ambulatory surgical center appoints to the staff and grants privileges to provide anesthesia care to patients in the facility.~~

~~(g)(f) "Extended Recovery Services" means patient care after the initial post surgery recovery period.~~

(h) "Initial Post Surgery Recovery Period" means patient care no longer than six hours beyond the completion of surgery.

(h) "Licensed Professional" means a qualified physician or oral surgeon who is involved in the preoperative assessment of the patient and has ensured that a qualified anesthetist is providing anesthesia services.

(i) "upon the request of" means a patient specific order of a licensed professional working within the scope of his license.

#### **R432-500-20. Anesthesiology Services.**

##### ~~Organization:~~

~~(1) [The licensee]There shall be[provide] facilities and equipment for the administration[provision] of anesthesia services commensurate with the clinical and surgical procedures planned for the facility.~~

~~(2) The medical director shall provide for the safety of anesthesia services administered to patients by qualified anesthesia personnel through written policies and protocols approved by the medical staff for anesthetic agents, delivery of anesthesia and potential hazards of anesthesia.~~

~~(a)(2) The medical staff shall appoint a medical director of anesthesia services [by name and in writing]who shall meet the following requirements:~~

~~(i)a) be licensed to practice medicine in Utah;~~

~~(i)b) have training and expertise in anesthesia services offered to ensure adequate supervision of patient care.~~

~~(b)3) The medical director of anesthesia services shall implement, coordinate, and [i]ensure the quality of anesthesia services provided in the facility including the implementation of written policies and protocols approved by the medical staff which clearly define the responsibilities and privileges of qualified anesthetists.~~

~~(c) The medical staff shall define in writing, and approve, the responsibilities of the director of anesthesia services.~~

~~(d) The medical staff or the director of anesthesia services shall clearly delineate in writing both the responsibilities of, and the privileges granted to, each qualified anesthetist.~~

~~(e)(4) Only qualified anesthetists[anesthesia personnel] shall provide anesthesia care.~~

~~(f) Qualified anesthesia personnel shall meet the following:~~

~~(i) Provide anesthesia care within the scope of facility-approved privileges and individual licenses;~~

~~(ii) Provide monitored anesthesia care for a patient who is administered sedation that may result in a loss of protective reflexes;~~

~~(g)(5) During the surgical procedure, a qualified anesthetist shall be responsible for the following:~~

~~(i)a) monitor, by continuous presence in the operating room (except for short periods of time for personal safety, such as radiation exposure), a patient who is undergoing a surgical procedure and who is receiving general anesthetics, regional anesthetics, or monitored anesthesia care;~~

~~(i)b) continually evaluate a patient's oxygenation, ventilation, and circulation, and have means available to measure temperature during administration of all anesthetics.~~

~~(h)6) The non-physician qualified anesthetists shall provide patient specific anesthesia services upon the request of a licensed professional, as defined in R432-500-2(e). The licensed professional shall be involved in each patient's preoperative assessment and shall ensure that the non-physician anesthetist is providing anesthesia services in a manner that specifically addresses the needs of each individual patient.[be supervised by and perform duties under the direction of the director of anesthesia services, the anesthesiologist, or the operating surgeon.~~

~~(i)7) The patient and operating surgeon shall be informed prior to surgery if anesthesia services will be performed by a non-physician qualified anesthetist.~~

~~(j)8) [A qualified physician shall be available in the facility to care for any medical emergency, including an anesthetic-related emergency, w]When the operating team consists entirely of non-physicians, a physician shall be immediately available in the facility to respond to medical emergencies[and the patient is undergoing procedures with regional, general, or monitored anesthesia care].~~

~~(3)2) Policies and Procedures.~~

~~(a) The medical staff shall develop, implement, and review the anesthesia quality assurance program.~~

~~(b) The written policies and procedures for anesthesia services shall be reviewed annually and enforced by the medical staff.~~

~~(c)(a) Written anesthesia service policies shall include the following:~~

~~(i) Anesthesia care policies and procedures for preanesthesia evaluation, intraoperative[preanesthesia] care including documenting a time-based record of events, and postanesthesia care;~~

~~(ii) A qualified anesthetist, [or the physician responsible for delivering the patient's anesthesia,]shall conduct a preanesthesia evaluation, and document the evaluation in the patient's medical record prior to inducing anesthesia;~~

~~(iii) The preanesthesia evaluation shall include the following information:~~

~~(A) planned anesthesia choice;~~

~~(B) [assessing]assessment of anesthesia risk;~~

~~(C) anticipated surgical procedure;~~

~~(D) current medications and previous untoward drug experiences;~~

~~(E) prior anesthetic experiences;~~

~~(F) any unusual potential anesthetic problems.~~

~~[(G) Information required in the pre-anesthesia evaluation must be documented in the patient's medical record prior to inducing anesthesia.~~

~~—(d)(b) [Qualified anesthesia personnel] A qualified anesthetist shall remain with the patient until the patient's status is stable. The qualified anesthetist or the anesthetist's qualified designee shall remain with the patient until the patient's protective reflexes have returned to normal, and it is determined safe as defined in facility policy.~~

~~[(e)c] The medical director of anesthesia services shall define the mechanism for the release of patients from postanesthesia care. Each patient who is admitted to an ambulatory surgical facility, and who receives other than unsupplemented local anesthesia, shall be discharged in the company of a responsible adult.~~

~~[(f) The facility shall release a patient only when a member of the medical staff determines that it is safe and appropriate to discharge the patient.~~

~~—(ii) Each patient who is admitted to an ambulatory surgical facility, and who receives other than unsupplemented local anesthesia, shall be discharged in the company of a responsible adult.]~~

~~(10) Medicaid certified facilities shall comply with the 42 CFR 415.110 and 42 CFR 416.42 (December 30, 1999) which is incorporated by reference.~~

~~(11) The use of flammable anesthetic agents for anesthesia or for the pre-operative preparation of the surgical field is prohibited.~~

~~(12) The anesthetic equipment shall be inspected and tested by the person administering anesthesia before use in accordance with the facility policy.~~

**R432-500-21. Laboratory and Radiology Services.**

(1) General Requirements.

(a) The facility shall make provisions, as appropriate, for laboratory, radiology and associated services according to facility policy.

(b) Services shall be provided with an order from a physician or a person licensed to prescribe such services. The order for laboratory and radiology services and the test results shall be included in the patient's medical record.

(c) If services are provided by contract, a CLIA certified, State- approved laboratory shall perform such services. Reports or results shall be reported promptly to the attending physician and documented in the patient's medical record.

(2) Facility Laboratory Services.

If the facility provides CLIA certified or state approved laboratory service, these services shall comply with R432-100-~~[26]~~22.

(3) Facility Radiology Services.

If the facility provides its own radiology services, these services shall comply with R432-100-~~[29]~~21.

**R432-500-34. Penalties.**

Any person who violates any provision of this rule may be subject to the penalties enumerated in 26-21-11 and R432-3-6 and be punished for violation of a class A misdemeanor as provided in 26-21-16.

**KEY: health facilities**

**[May 1, 1996]2001**

**Notice of Continuation December 15, 1997**

**26-21-5**

**26-21-16**



**Insurance, Administration**  
**R590-146**  
**Medicare Supplement Insurance**  
**Minimum Standards**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 23598

FILED: 04/02/2001, 17:13

RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** This rule is being updated because of federal changes in the law resulting from the Balanced Budget Refinement Act of 1999 and the Ticket to Work Incentive Improvement Act of 1999.

**SUMMARY OF THE RULE OR CHANGE:** The changes to the rule updates Section R590-146-8 of the rule dealing with benefit standards and guaranteed issue standards. It allows a person with a group policy that is entitled to benefits under Subsection 226(b) of the Social Security Act to suspend their medicare supplement policy until the Social Security benefits are used. The rule also eliminates coverage for three preventative tests that were already being covered by Medicare. Section R590-146-12 sets notification requirements if a person is terminated from their Medicare+Choice plan.

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 31A-2-201

**ANTICIPATED COST OR SAVINGS TO:**

❖**THE STATE BUDGET:** This will require insurers selling Medicare Supplement insurance to file policy forms noting the benefit changes noted in Section R590-146-8 of the rule. Currently there are approximately 50 insurance companies selling medicare supplement policies in Utah. Each one could have 1 to 10 medicare supplement plans. They have the option of making one form filing for all of them or one for each plan. Each filing costs \$20. If each company made one filing the revenue to the department would be \$1,000. This work would be assimilated by existing staff.

❖**LOCAL GOVERNMENTS:** This rule will not affect local government. The rule is regulated by a state government agency to which all fees are paid by its licensees.

❖**OTHER PERSONS:** The approximately 50 insurance companies actively selling medicare supplement policies in

Utah would be required to file one or more forms with the Insurance Department showing the changes in benefits noted in Section R590-146-8. These changes in benefits are a reflection of benefits being covered by Medicare for which duplication of coverage would not be allowed under medicare supplement policies. Each filing cost \$20. A company could file 1 to 10 different filings. Because the cost to insurers is so minimal, it is unlikely that they would pass the cost onto policyholders.

COMPLIANCE COSTS FOR AFFECTED PERSONS: The approximately 50 insurance companies actively selling medicare supplement policies in Utah would be required to file one or more forms with the Insurance Department showing the changes in benefits noted in Section R590-146-8. These changes in benefits are a reflection of benefits being covered by Medicare for which duplication of coverage would not be allowed under medicare supplement policies. Each filing cost \$20. A company could file 1 to 10 different filings. Because the cost to insurers is so minimal, it is unlikely that they would pass the cost onto policyholders.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes in this rule will create minimal expense to insurers.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Insurance Administration  
3110 State Office Building  
Salt Lake City, UT 84114, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO: Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or by Internet E-mail at idmain.jwhitby@state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 07/02/2001

AUTHORIZED BY: Jilene Whitby, Information Specialist

**R590. Insurance, Administration.**

**R590-146. Medicare Supplement Insurance Minimum Standards.**

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**R590-146-3. Applicability and Scope.**

A. Except as otherwise specifically provided in Sections 7, [12], 13, 14, [16]17 and [21]22, this rule shall apply to:

(1) all Medicare supplement policies delivered or issued for delivery in this state on or after the effective date of this rule; and

(2) all certificates issued under group Medicare supplement policies which certificates have been delivered or issued for delivery in this state.

B. This rule shall not apply to a policy or contract of one or more employers or labor organizations, or of the trustees of a fund established by one or more employers or labor organizations, or combination thereof, for employees or former employees, or a combination thereof, or for members or former members, or a combination, of the labor organizations.

**R590-146-4. Definitions.**

For purposes of this rule:

A. "Applicant" means:

(1) in the case of an individual Medicare supplement policy, the person who seeks to contract for insurance benefits, and

(2) in the case of a group Medicare supplement policy, the proposed certificateholder.

B. "Bankruptcy" means when a Medicare+Choice organization that is not an issuer has filed, or has had filed against it, a petition for declaration of bankruptcy and has ceased doing business in the state.

C. "Certificate" means any certificate delivered or issued for delivery in this state under a group Medicare supplement policy.

D. "Certificate form" means the form on which the certificate is delivered or issued for delivery by the issuer.

E. "Continuous period of creditable coverage" means the period during which an individual was covered by creditable coverage, if during the period of the coverage the individual had no breaks in coverage greater than 63 days.

F.(1) "Creditable coverage" means, with respect to an individual, coverage of the individual provided under any of the following:

- (a) a group health plan;
- (b) health insurance coverage;
- (c) Part A or Part B of Title XVIII of the Social Security Act, Medicare;

(d) Title XIX of the Social Security Act, Medicaid, other than coverage consisting solely of benefits under section 1928;

(e) Chapter 55 of Title 10 United States Code (CHAMPUS);

(f) a medical care program of the Indian Health Service or of a tribal organization;

(g) a State health benefits risk pool;

(h) a health plan offered under chapter 89 of Title 5 United States Code, Federal Employees Health Benefits Program;

(i) a public health plan as defined in federal regulation; and

(j) a health benefit plan under Section 5(e) of the Peace Corps Act, 22 United States Code 2504(e).

(2) "Creditable coverage" shall not include one or more, or any combination of, the following:

(a) coverage only for accident or disability income insurance, or any combination thereof;

(b) coverage issued as a supplement to liability insurance;

(c) liability insurance, including general liability insurance and automobile liability insurance;

(d) workers' compensation or similar insurance;

(e) automobile medical payment insurance;

(f) credit-only insurance;

(g) coverage for on-site medical clinics; and  
(h) other similar insurance coverage, specified in federal regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.

(3) "Creditable coverage" shall not include the following benefits if they are provided under a separate policy, certificate or contract of insurance or are otherwise not an integral part of the plan:

- (a) limited scope dental or vision benefits;
- (b) benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and
- (c) such other similar, limited benefits as are specified in federal regulations.

(4) "Creditable coverage" shall not include the following benefits if offered as independent, noncoordinated benefits:

- (a) coverage only for a specified disease or illness; and
- (b) hospital indemnity or other fixed indemnity insurance.

(5) "Creditable coverage" shall not include the following if it is offered as a separate policy, certificate or contract of insurance:

- (a) medicare supplemental health insurance as defined under section 1882(g)(1) of the Social Security Act;
- (b) coverage supplemental to the coverage provided under chapter 55 of title 10, United States Code; and
- (c) similar supplemental coverage provided to coverage under a group health plan.

G. "Employee welfare benefit plan" means a plan, fund or program of employee benefits as defined in 29 U.S.C. Section 1002, Employee Retirement Income Security Act.

H. "Insolvency" means that:

- (a) an insurer is unable to pay its debts or meet its obligations as they mature;
- (b) an insurer's total adjusted capital is less than the insurer's mandatory control level RBC under Subsection 31A-17-601(7)(c); or
- (c) an insurer is determined to be hazardous under this title.

I. "Issuer" includes insurance companies, fraternal benefit societies, health care service plans, health maintenance organizations, and any other entity delivering or issuing for delivery in this state Medicare supplement policies or certificates.

J. "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, as then constituted or later amended.

K. "Medicare+Choice plan" means a plan of coverage for health benefits under Medicare Part C as defined in ~~Section 1859 found in Title IV, Subtitle A, Chapter 1 of P.L. 105-33~~ U.S.C. 1395w-28(b)(1), and includes:

- (1) coordinated care plans which provide health care services, including but not limited to health maintenance organization plans, with or without a point-of-service option, plans offered by provider-sponsored organizations, and preferred provider organization plans;
- (2) medical savings account plans coupled with a contribution into a Medicare+Choice medical savings account; and
- (3) Medicare+Choice private fee-for-service plans.

L. "Medicare supplement policy" means a group or individual policy of disability insurance or a subscriber contract of hospital and medical service associations or health maintenance organizations, other than a policy issued pursuant to a contract under Section 1876 of the federal Social Security Act, 42 U.S.C. Section 1395 et seq., or an issued policy under a demonstration

project specified in 42 U.S.C. Section 1395ss(g)(1), which is advertised, marketed or designed primarily as a supplement to reimbursements under Medicare for the hospital, medical or surgical expenses of persons eligible for Medicare.

M. "Policy form" means the form on which the policy is delivered or issued for delivery by the issuer.

N. "Secretary" means the Secretary of the United States Department of Health and Human Services.

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**R590-146-8. Benefit Standards for Policies or Certificates Issued or Delivered on or After July 30, 1992.**

The following standards are applicable to all Medicare supplement policies or certificates delivered or issued for delivery in this state on or after July 30, 1992. No policy or certificate may be advertised, solicited, delivered or issued for delivery in this state as a Medicare supplement policy or certificate unless it complies with these benefit standards.

A. General Standards. The following standards apply to Medicare supplement policies and certificates and are in addition to all other requirements of this rule.

(1) A Medicare supplement policy or certificate shall not exclude or limit benefits for losses incurred more than six months from the effective date of coverage because it involved a preexisting condition. The policy or certificate shall not define a preexisting condition more restrictively than a condition for which medical advice was given or treatment was recommended by or received from a physician within six months before the effective date of coverage.

(2) A Medicare supplement policy or certificate shall not indemnify against losses resulting from sickness on a different basis than losses resulting from accidents.

(3) A Medicare supplement policy or certificate shall provide that benefits designed to cover cost-sharing amounts under Medicare will be changed automatically to coincide with any changes in the applicable Medicare deductible amount and copayment percentage factors. Premiums may be modified to correspond with such changes.

(4) No Medicare supplement policy or certificate shall provide for termination of coverage of a spouse solely because of the occurrence of an event specified for termination of coverage of the insured, other than the nonpayment of premium.

(5) Each Medicare supplement policy shall be guaranteed renewable.

(a) The issuer shall not cancel or nonrenew the policy solely on the ground of health status of the individual.

(b) The issuer shall not cancel or nonrenew the policy for any reason other than nonpayment of premium or material misrepresentation.

(c) If the Medicare supplement policy is terminated by the group policyholder and is not replaced as provided under Subsection 8A(5)(e), the issuer shall offer certificateholders an individual Medicare supplement policy which, at the option of the certificateholder:

- (i) provides for continuation of the benefits contained in the group policy; or
- (ii) provides for benefits that otherwise meet the requirements of this subsection.

(d) if an individual is a certificateholder in a group Medicare supplement policy and the individual terminates membership in the group, the issuer shall:

(i) offer the certificateholder the conversion opportunity described in Subsection 8A(5)(c); or

(ii) at the option of the group policyholder, offer the certificateholder continuation of coverage under the group policy.

(e) if a group Medicare supplement policy is replaced by another group Medicare supplement policy purchased by the same policyholder, the issuer of the replacement policy shall offer coverage to all persons covered under the old group policy on its date of termination. Coverage under the new policy shall not result in any exclusion for preexisting conditions that would have been covered under the group policy being replaced.

(6) Termination of a Medicare supplement policy or certificate shall be without prejudice to any continuous loss which commenced while the policy was in force, but the extension of benefits beyond the period during which the policy was in force may be conditioned upon the continuous total disability of the insured, limited to the duration of the policy benefit period, if any, or payment of the maximum benefits.

(7)(a) A Medicare supplement policy or certificate shall provide that benefits and premiums under the policy or certificate shall be suspended at the request of the policyholder or certificateholder for the period, not to exceed 24 months, in which the policyholder or certificateholder has applied for and is determined to be entitled to medical assistance under Title XIX of the Social Security Act, but only if the policyholder or certificateholder notifies the issuer of the policy or certificate within 90 days after the date the individual becomes entitled to assistance.

(b) If suspension occurs and if the policyholder or certificateholder loses entitlement to medical assistance, the policy or certificate shall be automatically reinstated, effective as of the date of termination of entitlement, as of the termination of entitlement if the policyholder or certificateholder provides notice of loss of entitlement within 90 days after the date of loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.

(c) Each Medicare supplement policy shall provide that benefits and premiums under the policy shall be suspended, for the period provided by federal regulation, at the request of the policyholder if the policyholder is entitled to benefits under Section 226 (b) of the Social Security Act and is covered under a group health plan, as defined in Section 1862 (b)(1)(A)(v) of the Social Security Act. If suspension occurs and if the policyholder or certificate holder loses coverage under the group health plan, the policy shall be automatically reinstated, effective as of the date of loss of coverage, if the policyholder provides notice of loss of coverage within 90 days after the date of such loss and pays the premium attributable to the period, effective as of the date of termination of entitlement.

~~(c)~~(d) Reinstatement of coverages:

(i) shall not provide for any waiting period with respect to treatment of preexisting conditions;

(ii) shall provide for coverage which is substantially equivalent to coverage in effect before the date of suspension; and

(iii) shall provide for classification of premiums on terms at least as favorable to the policyholder or certificateholder as the premium classification terms that would have applied to the

policyholder or certificateholder had the coverage not been suspended.

B. Standards for Basic, Core, Benefits Common to All Benefit Plans.

Every issuer shall make available a policy or certificate including only the following basic "core" package of benefits to each prospective insured. An issuer may make available to prospective insureds any of the other Medicare Supplement Insurance Benefit Plans in addition to the basic core package, but not in lieu of it.

(1) Coverage of Part A Medicare eligible expenses for hospitalization to the extent not covered by Medicare from the 61st day through the 90th day in any Medicare benefit period.

(2) Coverage of Part A Medicare eligible expenses incurred for hospitalization to the extent not covered by Medicare for each Medicare lifetime inpatient reserve day used.

(3) Upon exhaustion of the Medicare hospital inpatient coverage including the lifetime reserve days, coverage of the Medicare Part A eligible expenses for hospitalization paid at the diagnostic related group (DRG) day outlier per diem or other appropriate standard of payment, subject to a lifetime maximum benefit of an additional 365 days.

(4) Coverage under Medicare Parts A and B for the reasonable cost of the first three pints of blood, or equivalent quantities of packed red blood cells, as defined under federal regulations, unless replaced in accordance with federal regulations.

(5) Coverage for the coinsurance amount, or in the case of hospital outpatient department services under a prospective payment system, the copayment amount of Medicare eligible expenses under Part B regardless of hospital confinement, subject to the Medicare Part B deductible.

C. Standards for Additional Benefits. The following additional benefits shall be included in Medicare Supplement Benefit Plans "B" through "J" only as provided by Section 9 of this rule.

(1) Medicare Part A Deductible: Coverage for all of the Medicare Part A inpatient hospital deductible amount per benefit period.

(2) Skilled Nursing Facility Care: Coverage for the actual billed charges up to the coinsurance amount from the 21st day through the 100th day in a Medicare benefit period for posthospital skilled nursing facility care eligible under Medicare Part A.

(3) Medicare Part B Deductible: Coverage for all of the Medicare Part B deductible amount per calendar year regardless of hospital confinement.

(4) 80% of the Medicare Part B Excess Charges: Coverage for 80% of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(5) 100% of the Medicare Part B Excess Charges: Coverage for all of the difference between the actual Medicare Part B charge as billed, not to exceed any charge limitation established by the Medicare program or state law, and the Medicare-approved Part B charge.

(6) Basic Outpatient Prescription Drug Benefit: Coverage for 50% of outpatient prescription drug charges, after a \$250 calendar year deductible, to a maximum of \$1,250 in benefits received by the insured per calendar year, to the extent not covered by Medicare.

(7) Extended Outpatient Prescription Drug Benefit: Coverage for 50% of outpatient prescription drug charges, after a \$250 calendar year deductible to a maximum of \$3,000 in benefits received by the insured per calendar year, to the extent not covered by Medicare.

(8) Medically Necessary Emergency Care in a Foreign Country: Coverage to the extent not covered by Medicare for 80% of the billed charges for Medicare-eligible expenses for medically necessary emergency hospital, physician and medical care received in a foreign country, which care would have been covered by Medicare if provided in the United States and which care began during the first 60 consecutive days of each trip outside the United States, subject to a calendar year deductible of \$250, and a lifetime maximum benefit of \$50,000. For purposes of this benefit, "emergency care" shall mean care needed immediately because of an injury or an illness of sudden and unexpected onset.

(9) Preventive Medical Care Benefit: Coverage for the following preventive health services:

(a) An annual clinical preventive medical history and physical examination that may include tests and services from Subsection (b) and patient education to address preventive health care measures.

(b) Any one or a combination of the following preventive screening tests or preventive services, the frequency of which is considered medically appropriate:

(1) ~~[fecal occult blood test or]~~digital rectal examination~~[-or both];~~

~~[(2)]~~mammogram;

~~—(3)](2)~~ dipstick urinalysis for hematuria, bacteriuria and proteinuria;

~~[(4)](3)~~ pure tone, air only, hearing screening test, administered or ordered by a physician;

~~[(5)](4)~~ serum cholesterol screening, every five years;

~~[(6)](5)~~ thyroid function test;

~~[(7)](6)~~ diabetes screening.

(c) ~~[Influenza vaccine administered at any appropriate time during the year and tetanus]~~Tetanus and diphtheria booster, every ten years.

(d) Any other tests or preventive measures determined appropriate by the attending physician. Reimbursement shall be for the actual charges up to 100% of the Medicare-approved amount for each service, as if Medicare were to cover the service as identified in American Medical Association Current Procedural Terminology, AMA CPT, codes, to a maximum of \$120 annually under this benefit. This benefit shall not include payment for any procedure covered by Medicare.

(10) At-Home Recovery Benefit: Coverage for services to provide short term, at-home assistance with activities of daily living for those recovering from an illness, injury or surgery.

(a) For purposes of this benefit, the following definitions shall apply:

(i) "Activities of daily living" include, but are not limited to bathing, dressing, personal hygiene, transferring, eating, ambulating, assistance with drugs that are normally self-administered, and changing bandages or other dressings.

(ii) "Care provider" means a duly qualified or licensed home health aide or homemaker, personal care aide or nurse provided through a licensed home health care agency or referred by a licensed referral agency or licensed nurses registry.

(iii) "Home" shall mean any place used by the insured as a place of residence, provided that the place would qualify as a residence for home health care services covered by Medicare. A hospital or skilled nursing facility shall not be considered the insured's place of residence.

(iv) "At-home recovery visit" means the period of a visit required to provide at-home recovery care, without limit on the duration of the visit, except each consecutive four hours in a 24-hour period of services provided by a care provider is one visit.

(b) Coverage Requirements and Limitations

(i) At-home recovery services provided shall be primarily services which assist in activities of daily living.

(ii) The insured's attending physician shall certify that the specific type and frequency of at-home recovery services are necessary because of a condition for which a home care plan of treatment was approved by Medicare.

(iii) Coverage is limited to:

(I) no more than the number and type of at-home recovery visits certified as necessary by the insured's attending physician. The total number of at-home recovery visits shall not exceed the number of Medicare approved home health care visits under a Medicare approved home care plan of treatment;

(II) the actual charges for each visit up to a maximum reimbursement of \$40 per visit;

(III) \$1,600 per calendar year;

(IV) seven visits in any one week;

(V) care furnished on a visiting basis in the insured's home;

(VI) services provided by a care provider as defined in this section;

(VII) at-home recovery visits while the insured is covered under the policy or certificate and not otherwise excluded;

(VIII) at-home recovery visits received during the period the insured is receiving Medicare approved home care services or no more than eight weeks after the service date of the last Medicare approved home health care visit.

(c) Coverage is excluded for:

(i) home care visits paid for by Medicare or other government programs; and

(ii) care provided by family members, unpaid volunteers or providers who are not care providers.

(11) New or Innovative Benefits: An issuer may, with the prior approval of the commissioner, offer policies or certificates with new or innovative benefits in addition to the benefits provided in a policy or certificate that otherwise complies with the applicable standards. The new or innovative benefits may include benefits that are appropriate to Medicare supplement insurance, new or innovative, not otherwise available, cost-effective, and offered in a manner which is consistent with the goal of simplification of Medicare supplement policies.

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**R590-146-12. Guaranteed Issue for Eligible Persons.**

**A. Guaranteed Issue**

(1) Eligible persons are those individuals described in subsection B who, subject to Subsection B(2)(b), apply to enroll under the policy not later than 63 days after the date of the termination of enrollment described in subsection B, and who

submit evidence of the date of termination or disenrollment with the application for a Medicare supplement policy.

(2) With respect to eligible persons, an issuer shall not deny or condition the issuance or effectiveness of a Medicare supplement policy described in subsection C that is offered and is available for issuance to new enrollees by the issuer, shall not discriminate in the pricing of such a Medicare supplement policy because of health status, claims experience, receipt of health care, or medical condition, and shall not impose an exclusion of benefits based on a preexisting condition under such a Medicare supplement policy.

#### B. Eligible Persons

An eligible person is an individual described in any of the following paragraphs:

(1) The individual is enrolled under an employee welfare benefit plan that provides health benefits that supplement the benefits under Medicare; and the plan terminates, or the plan ceases to provide all such supplemental health benefits to the individual;

(2)(a) The individual is enrolled with a Medicare+Choice organization under a Medicare+Choice plan under part C of Medicare, and any of the following circumstances apply, or the individual is 65 years of age or older and is enrolled with a program of All-Inclusive Care for the Elderly (PACE) provider under Section 1894 of the Social Security Act, and there are circumstances similar to those described below that would permit discontinuance of the individual's enrollment with such provider if such individual were enrolled in a Medicare+Choice plan:~~—there are circumstances permitting discontinuance of the individual's election of the plan under the first sentence of section 1851(c)(4) of the federal Social Security Act, which consists of the following:~~

~~—"Effective as of January 1, 2002, an individual may discontinue an election of a Medicare+Choice plan offered by a Medicare+Choice organization other than during an annual, coordinated election period under Medicare and make a new election under this section if:~~

~~(i) [the organization's or plan's certification, under this part, has been terminated or the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides;]the certification of the organization, or plan under this part, has been terminated, or the organization or plan has notified the individual of an impending termination of such certification; or~~

~~(ii) the organization has terminated or otherwise discontinued providing the plan in the area in which the individual resides, or has notified the individual of an impending termination or discontinuance of such plan;~~

~~(iii) the individual is no longer eligible to elect the plan because of a change in the individual's place of residence or other change in circumstances specified by the Secretary, but not including termination of the individual's enrollment on the basis described in section 1851(g)(3)(B) of the federal Social Security Act (where the individual has not paid premiums on a timely basis or has engaged in disruptive behavior as specified in standards under section 1856), or the plan is terminated for all individuals within a residence area;~~

~~[(iii)](iv) the individual demonstrates, in accordance with guidelines established by the Secretary, that:~~

(I) the organization offering the plan substantially violated a material provision of the organization's contract under this part in relation to the individual, including the failure to provide an enrollee on a timely basis medically necessary care for which

benefits are available under the plan or the failure to provide such covered care in accordance with applicable quality standards; or

(II) the organization, or agent or other entity acting on the organization's behalf, materially misrepresented the plan's provisions in marketing the plan to the individual; or

~~[(iv)](v) the individual meets such other exceptional conditions as the Secretary may provide."~~

(b)(i) An individual described in Subparagraph (2)(a) may elect to apply Subsection R590-146-12.A. by substituting, for the date of termination of enrollment, the date on which the individual was notified by the Medicare+Choice organization of the impending termination or discontinuance of the Medicare+Choice plan it offers in the area in which the individual resides, but only if the individual disenrolls from the plan as a result of such notification.

(ii) In the case of an individual making the election in Subparagraph (b)(i) the issuer involved shall accept the application of the individual submitted before the date of termination of enrollment, but the coverage under Subsection R590-146-12.A. shall only become effective upon termination of coverage under the Medicare+Choice plan involved.

(3) (a) The individual is enrolled with:

(i) an eligible organization under a contract under Section 1876, Medicare risk or cost;

(ii) a similar organization operating under demonstration project authority, effective for periods before April 1, 1999;

(iii) an organization under an agreement under Section 1833(a)(1)(A), health care prepayment plan; or

(iv) an organization under a Medicare Select policy; and

(b) The enrollment ceases under the same circumstances that would permit discontinuance of an individual's election of coverage~~—under the first sentence of Section 1851(c)(4) of the federal Social Security Act as delineated above]~~ in Section 12B(2).

(4) The individual is enrolled under a Medicare supplement policy and the enrollment ceases because:

(a)(i) of the insolvency of the issuer or bankruptcy of the nonissuer organization; or

(ii) of other involuntary termination of coverage or enrollment under the policy;

(b) the issuer of the policy substantially violated a material provision of the policy; or

(c) the issuer, or an agent or other entity acting on the issuer's behalf, materially misrepresented the policy's provisions in marketing the policy to the individual;

(5)(a) The individual was enrolled under a Medicare supplement policy and terminates enrollment and subsequently enrolls, for the first time, with any Medicare+Choice organization under a Medicare+Choice plan under part C of Medicare, any eligible organization under a contract under Section 1876, Medicare risk or cost, any similar organization operating under demonstration project authority, any PACE program under Section 1894 of the Social Security Act, an organization under an agreement under section 1833(a)(1)(A) (health care prepayment plan), or a Medicare Select policy; and

(b) The subsequent enrollment under subparagraph (a) is terminated by the enrollee during any period within the first 12 months of such subsequent enrollment, during which the enrollee is permitted to terminate such subsequent enrollment under section 1851(e) of the federal Social Security Act; or

(6) The individual, upon first becoming eligible for benefits under part A of Medicare, enrolls in a Medicare+Choice plan under part C of Medicare, or in a PACE program under Section 1894, and disenrolls from the plan or program by not later than 12 months after the effective date of enrollment.

C. Products to Which Eligible Person are Entitled

The Medicare supplement policy to which eligible persons are entitled under:

(1) Subsection 12B(1), (2), (3) and (4) is a Medicare supplement policy which has a benefit package classified as Plan A, B, C, or F offered by any issuer.

(2) Subsection 12B(5) is the same Medicare supplement policy in which the individual was most recently previously enrolled, if available from the same issuer, or, if not so available, a policy described in Subsection C(1).

(3) Subsection 12B(6) shall include any Medicare supplement policy offered by any issuer.

D. Notification provisions

(1) At the time of an event described in Subsection B of this section because of which an individual loses coverage or benefits due to the termination of a contract or agreement, policy, or plan, the organization that terminates the contract or agreement, the issuer terminating the policy, or the administrator of the plan being terminated, respectively, shall notify the individual of his or her rights under this section, and of the obligations of issuers of Medicare supplement policies under Subsection A. Such notice shall be communicated contemporaneously with the notification of termination.

(2) At the time of an event described in Subsection B of this section because of which an individual ceases enrollment under a contract or agreement, policy, or plan, the organization that offers the contract or agreement, regardless of the basis for the cessation of enrollment, the issuer offering the policy, or the administrator of the plan, respectively, shall notify the individual of his or her rights under this section, and of the obligations of issuers of Medicare supplement policies under Subsection 12A. Such notice shall be communicated within ten working days of the issuer receiving notification of disenrollment.

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KEY: insurance

[October 21, 1999]2001

31A-22-620

Notice of Continuation May 7, 1997



Natural Resources, Wildlife Resources

R657-14

Commercial Harvesting of Protected Aquatic Wildlife

NOTICE OF PROPOSED RULE

(Amendment)

DAR FILE No.: 23601

FILED: 04/02/2001, 18:01

RECEIVED BY: NL

RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: This rule is being amended to provide procedures and standards for transferring certificates of registration to harvest brine shrimp and brine shrimp eggs.

SUMMARY OF THE RULE OR CHANGE: This amendment provides the procedures and standards for transferring certificates of registration from one entity to another for harvesting brine shrimp and brine shrimp eggs. Other changes are made for consistency.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 23-19-1(2)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: This amendment provides the procedures and standards for transferring certificates of registration for harvesting brine shrimp and brine shrimp eggs. A limited number of annual transfers are expected because the total number of certificates of registration issued by the Division are capped at 79. The process for approving a transfer requires little administrative investigation or oversight since it simply involves reviewing and recording the new certificate of registration holder. Therefore, this amendment does not create a cost or savings impact.

❖LOCAL GOVERNMENTS: This filing does not create any direct cost or saving impact to local governments because they are not directly affected by the rule. Nor are local governments indirectly impacted because the rule does not create a situation requiring services from local governments.

❖OTHER PERSONS: The only persons potentially impacted by this amendment are the certificate of registration holder and the proposed transferee applying for a certificate of registration transfer. This is a process initiated at the discretion of the applicants and there are no fees assessed. Therefore, this amendment does not create a cost or savings impact to other persons.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs associated with this amendment. The only compliance requirement imposed on the parties applying for a certificate of registration transfer is that of completing a short application providing identifying information about the transferor and transferee.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: This amendment will provide a positive financial impact on businesses holding certificates of registration to harvest brine shrimp and brine shrimp eggs by making brine shrimp harvesting businesses and equipment more marketable when transferred in conjunction with a certificate of registration.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Natural Resources  
Wildlife Resources  
Suite 2110  
1594 West North Temple  
PO Box 146301  
Salt Lake City, UT 84114-6301, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Debbie Sundell at the above address, by phone at (801) 538-4707, by FAX at (801) 538-4709, or by Internet E-mail at nrdwr.dsundell@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001; OR ATTENDING A PUBLIC HEARING SCHEDULED FOR 05/02/2001, 6:00 p.m., Ogden Union Station, Dumke Room, 2501 Wall Avenue, Ogden, UT.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: John Kimball, Director

**R657. Natural Resources, Wildlife Resources.**  
**R657-14. Commercial Harvesting of Protected Aquatic Wildlife.**

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**R657-14-3. Certificate of Registration Required.**

(1)(a) A person may not harvest, possess, or transport protected aquatic wildlife without first obtaining a certificate of registration and a helper card for each individual assisting that person.

(b) The original copy of the certificate of registration must be present at the harvest location while harvesting protected aquatic wildlife.

(2) Except as provided in Subsection R657-14-13(4), a person must obtain a separate certificate of registration to engage in the following activities:

- (a) harvesting or selling designated species of fish, salamanders, leeches, and crayfish for use as fish bait;
- (b) seining and selling protected aquatic wildlife for any purpose other than for use as fish bait; and
- (c) harvesting brine shrimp and brine shrimp eggs.

(3) A certificate of registration is not required:

- (a) for the retail sale of protected aquatic wildlife imported into Utah, provided the product is clearly labeled as to its out-of-state origin;
- (b) to process brine shrimp or brine shrimp eggs; or
- (c) to sell brine shrimp or brine shrimp eggs, provided the brine shrimp or brine shrimp eggs were taken in accordance with the provisions of this rule by a person who has obtained a certificate of registration or as provided in Subsection R657-3-18(4).

(4) Certificates of registration are not transferable, except as provided in Section R657-14-21.

~~(5)(a)~~(5) Any certificate of registration issued to a business or any other commercial organization shall be void upon the termination of the business or organization or upon bankruptcy. [

~~(b) If a brine shrimp corporation is sold or transferred during the period in which the certificate of registration is valid, the division may grant a transfer of that certificate of registration to the receiving entity if:~~

~~(i) the entity meets the criteria imposed on new applicants; and~~

~~(ii) the person responsible for the entity signs a new certificate of registration.]~~

(6)(a) The issuance of a certificate of registration automatically incorporates within its terms the conditions and requirements of this rule specifically governing the activity for which the certificate of registration is issued.

(b) Any person accepting a certificate of registration under this rule acknowledges the necessity for close regulation and monitoring by the division.

(7) Any certificate of registration issued or renewed by the division under this rule to harvest brine shrimp or brine shrimp eggs is a privilege and not a right. The certificate of registration authorizes the holder to harvest brine shrimp or brine shrimp eggs subject to all present and future conditions, restrictions, and regulations imposed on such activities by the division, the Wildlife Board, the state of Utah, or the United States.

(8) A certificate of registration to harvest brine shrimp or brine shrimp eggs does not guarantee or otherwise legally entitle the holder to any of the following:

- (a) a minimum harvest quota in any given season or seasons;
- (b) a quota or percentage of the harvestable surplus as determined by the division;
- (c) a particular harvesting or processing method;
- (d) a particular harvest season duration, commencement date, or termination date;
- (e) access to any particular area or site on the Great Salt Lake or on other waters in the state, regardless of historical authorization or use;
- (f) marina access on the Great Salt Lake or elsewhere in the state, regardless of historical authorization or use;
- (g) an increase, stabilization, or reduction in the number of certificates of registration issued by the division to harvest brine shrimp and brine shrimp eggs;
- (h) an exclusive opportunity to harvest;
- (i) a particular quantity or quality of brine shrimp or brine shrimp eggs;
- (j) a particular water condition or salinity level conducive to brine shrimp production, brine shrimp egg production, or harvest success;
- (k) any particular level of protection for brine shrimp or brine shrimp eggs from disease, pesticides, or predators; or
- (l) any other right or management philosophy beneficial to harvesting or production of brine shrimp and brine shrimp eggs.

(9) The procedures and processes outlined in this rule regulating the harvest of brine shrimp and brine shrimp eggs are all subject to change as the division and the Wildlife Board gather greater information and data on the impact current harvest regulations have on the sustainability of brine shrimp populations, the Great Salt Lake ecosystem, and the economic viability of the industry.

**R657-14-4. Application for Certificate of Registration.**

(1) Applications for certificates of registration are available at division offices.

(2)(a) Applications for commercial seining or harvesting protected aquatic wildlife for use as fish bait may be submitted any time during the year.

(b) Applications for harvesting brine shrimp and brine shrimp eggs may be submitted May 1 through May 31. Applications may be submitted by mail if postmarked no later than midnight on the last day of the application period.

(3)(a) If an application for a certificate of registration is made in the name of a commercial organization, the applicant must specify the ~~[individual]~~ person responsible for that entity.

(b) All commercial organization applicants must provide on or with the application, a written statement designating the responsible person as its legal agent in all matters before the division relating to brine shrimp and brine shrimp egg harvesting.

(4)(a) Completed applications must be submitted to the wildlife registration office.

(b) The division may return any application that is incomplete or completed incorrectly.

(5)(a) The application review process may require up to 45 days.

(b) The division may deny issuing a certificate of registration to any applicant for any of the following reasons:

(i) the applicant has previously been issued a certificate of registration and has failed to submit any report required by this rule, the division, or the Wildlife Board;

(ii) the applicant has been found guilty, pleaded guilty or pleaded no contest in an administrative proceeding to violating any rule, statute, proclamation, or Wildlife Board Order relating to the harvest, possession, or sale of protected aquatic wildlife; or

(iii) the applicant has been found guilty, pleaded guilty or pleaded no contest in a criminal proceeding to violating any rule, statute, proclamation, or Wildlife Board Order relating to the harvest, possession, or sale of protected aquatic wildlife.

(6) The division may limit the number of certificates of registration issued or deny any application in the interest of wildlife, wildlife habitat, serving the public, or public safety.

(7) If an application is approved, the division shall issue the applicant a certificate of registration that specifies:

(a) the species and amounts of protected aquatic wildlife that may be harvested or sold;

(b) the water and locations where protected aquatic wildlife may be harvested;

(c) the gear that may be used;

(d) the hours during which protected aquatic wildlife may be harvested;

(e) the means and amounts of protected aquatic wildlife that may be transported; and

(f) any restriction imposed on the applicant in addition to the provisions of this rule.

(8)(a) Certificates of registration for seining or harvesting protected aquatic wildlife for use as fish bait are valid for a calendar year.

(b) Certificates of registration for harvesting brine shrimp and brine shrimp eggs are valid only during the harvest season as provided in Subsection R657-14-14(2).

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**R657-14-21. Certificate of Registration Transfers.**

(1) Pursuant to Section 23-19-1(2), a person may not lend, transfer, sell, give or assign a certificate of registration to harvest brine shrimp and brine shrimp eggs belonging to the person or the rights granted thereby, except as authorized hereafter.

(2) "Business entity" for purposes of this section means any person, proprietorship, partnership, corporation, or other commercial organization that has been issued a certificate of registration by the division to harvest brine shrimp and brine shrimp eggs.

(3)(a) The division may authorize, consistent with the requirements of this section, the transfer of a valid certificate of registration to harvest brine shrimp and brine shrimp eggs from the lawful holder to an other person or entity in the following instances:

(i) where any transaction or occurrence will cause the name of the business entity recorded as the certificate of registration holder to change from that specifically identified on the certificate of registration;

(ii) where any transaction or occurrence will cause the business entity recorded as the certificate of registration holder to permanently reorganize, dissolve, lapse, or otherwise cease to exist as a legal business entity under the laws of the State of Utah or the jurisdiction where the business entity was organized; or

(iii) where any transaction or occurrence effectively transfers a certificate of registration to harvest brine shrimp and brine shrimp eggs in violation of Section 23-19-1(2).

(b) written approval from the division for any certificate of registration transfer permitted under this rule shall be obtained prior to any transfer of the certificate of registration or the rights granted thereunder.

(c) Transferring or selling an ownership interest in a business entity holding a certificate of registration to harvest brine shrimp and brine shrimp eggs does not require division approval provided the transfer of ownership does not cause the business entity to temporarily or permanently change its name, reorganize, dissolve, lapse, or otherwise cease to exist as a legally recognized business entity under the laws of the State of Utah.

(4) Obtaining division approval to transfer a certificate of registration to harvest brine shrimp and brine shrimp eggs shall be initiated by application to the division, as provided in Subsections (a) through (e).

(a) Complete the application prescribed by the division and submit it to the division's wildlife registration office.

(b) Applications may be submitted any time during the year.

(c) Annual applications and fees for certificates of registration renewal shall be submitted between May 1 and May 31, regardless whether a transfer application is contemplated or pending.

(d) If an application to transfer a certificate of registration identifies a business entity as the transferee, the transferee must designate a person responsible for that entity.

(i) The transferee shall provide on or with the application a written statement designating the responsible person as its legal agent in all matters before the division relating to brine shrimp and brine shrimp egg harvesting.

(e) The division may return any application that is incomplete or completed incorrectly.

(5) The division shall respond to the application to transfer a certificate of registration within 20 days of receipt in one of the following forms:

- (a) a letter approving the application;
- (b) a letter denying the application and identifying the reasons for denial;
- (c) a letter identifying deficiencies in the application and requesting additional information from the applicant; or
- (d) a letter notifying the applicant that the division requires additional time to process and consider the application with an explanation of the extenuating circumstances necessitating the extension.

(6) The division shall deny an application to transfer a certificate of registration where any of the following exists:

- (a) the proposed transferee fails to satisfy all the requirements necessary to obtain an original certificate of registration; or
- (b) the applicant transferor fails to demonstrate that the certificate of registration will be transferred in connection with the sale or transfer of the entire brine shrimp harvest operation or the harvesting equipment ordinarily required to effectively utilize a certificate of registration.
  - (i) Business entities holding no harvesting equipment may be approved for a certificate of registration transfer only where the entire business entity and brine shrimp harvest operation is transferred along with all certificates of registration held by the business entity.
  - (ii) Business entities changing the official name maintained on division records as the certificate of registration holder shall simply establish that the entity's ownership and business structure will not materially differ under the new business name.

(7) The division may deny authorizing a certificate of registration transfer to any proposed transferee for any of the following reasons:

- (a) the applicant transferee has previously been issued a certificate of registration and has failed to submit any report required by this rule, the division, or the Wildlife Board;
- (b) the applicant transferee has been found guilty, pleaded guilty or pleaded no contest in an administrative proceeding to violating any rule, statute, proclamation, or Wildlife Board order relating to the harvest, possession, or sale of protected aquatic wildlife; or
- (c) the applicant transferee has been found guilty, pleaded guilty or pleaded no contest in a criminal proceeding to violating any rule, statute, proclamation, or Wildlife Board order relating to the harvest, possession, or sale of protected aquatic wildlife.

(8)(a) If a transfer application is approved, the division shall accept the surrender of the transferor's certificate of registration and reissue it to the proposed transferee within 10 business days of the surrender consistent with the requirements prescribed in this rule.

(b) The proposed transferee may not begin harvesting brine shrimp or brine shrimp eggs until it has received a certificate of registration from the division issued in its name, and only then in conformance with all applicable laws, rules, and orders of the Wildlife Board and division.

(c) In receiving a certificate of registration transferred under this section, the transferee assumes no additional privileges or opportunities with respect to harvesting brine shrimp and brine shrimp eggs than those formerly possessed by the transferor.

**KEY: game laws, bait dealers, commercialization of aquatic wildlife**  
**[September 1, 1999]2001** 23-14-18  
**Notice of Continuation July 14, 1997** 23-14-19  
 23-13-13  
 23-15-7  
 23-15-8  
 23-15-9  
 23-14-3



**Public Safety, Driver License**  
**R708-34**  
**Medical Waivers for Intrastate**  
**Commercial Driver Licenses**

**NOTICE OF PROPOSED RULE**  
 (Amendment)  
 DAR FILE No.: 23597  
 FILED: 04/02/2001, 13:54  
 RECEIVED BY: NL

**RULE ANALYSIS**

**PURPOSE OF THE RULE OR REASON FOR THE CHANGE:** To allow the division to issue waivers to individuals with a Class D regular operator license, who need a Department of Transportation medical card but who do not need a Commercial Driver License, and who are unable to meet the Federal Medical Guidelines.

**SUMMARY OF THE RULE OR CHANGE:** This rule change allows the Driver License Division to issue waivers to individuals who drive commercial vehicles with the gross vehicle weight of 26,000 pounds and under in accordance with amendment S.B. 96 passed by the legislature in the 2001 general session.  
**(DAR Note:** S.B. 96 is found in 2001 Utah Laws 3 and will be effective April 30, 2001.)

**STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE:** Section 53-3-303.5  
**FEDERAL REQUIREMENT FOR THIS RULE:** Part 391 of the Federal Motor Carrier Safety Regulations

**ANTICIPATED COST OR SAVINGS TO:**  
 ❖**THE STATE BUDGET:** There will be additional revenue of approximately \$2,500 per year because of the change in the rule. This amount may increase as more individuals become aware of the program.  
 ❖**LOCAL GOVERNMENTS:** There will be no cost impact because there is no associated cost with the rule changes to local governments.  
 ❖**OTHER PERSONS:** Those individuals who obtain a waiver will need to pay \$25 for the waiver.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There will be an additional \$25 fee every time an individual submits a medical recertification.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: The changes in this rule may have a fiscal impact on businesses who choose to pay for the recertificatons.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety  
Driver License  
Calvin Rampton Building  
4501 South 2700 West  
PO Box 30560  
Salt Lake City, UT 84130-0560, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Vinn Roos at the above address, by phone at (801) 965-4456, by FAX at (801) 965-4496, or by Internet E-mail at vroos@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: Judy Hammaker-Mann, Director

**R708. Public Safety, Driver License.**

**R708-34. Medical Waivers for Intrastate Commercial [~~Driver Licenses~~]Driving Privileges.**

**R708-34-1. Purpose.**

A person who desires to obtain an interstate commercial driver license must meet the minimum federal fitness standards dealing with physical, mental, and emotional health set forth in Part 391 of the Federal Motor Carrier Safety Regulations. As authorized by Section 53-3-303.5, compliance with those standards can be waived for a person who (a) desires to obtain[~~a~~] commercial [~~driver license~~]driving privileges for intrastate driving only, and (b) meets minimum state fitness standards. This rule sets forth the procedure whereby a person may apply for a waiver, and also for the Driver License Division to respond to waiver requests.

**R708-34-2. Authority.**

This rule is authorized by Subsection 63-46a-3(2) and Section 53-3-303.5.

**R708-34-3. Definitions.**

(1) "Board" means the Driver License Medical Advisory Board.

(2) "Commercial driving privileges" means the privilege given to any licensed operator of a motor vehicle who must be in compliance with Federal Fitness Standards for the purpose of transporting commerce in vehicles with a gross vehicle weight of at

least 10,000 to 26,000 pounds or over, with or without a commercial driver license.

(~~2~~) "Department" means the Utah Department of Public Safety.

(~~3~~) "Division" means the Driver License Division.

(~~4~~) "Fitness standards" means standards set forth by the board for determining the physical, mental and emotional capabilities appropriate for issuance of intrastate commercial driver licenses.

(~~5~~) "Waiver" means approval granted by the division allowing a driver to drive commercial vehicles intrastate even though the driver does not meet the minimum federal fitness standards to drive commercial vehicles interstate.

**R708-34-4. Requesting a Waiver.**

Drivers desiring an intrastate commercial [~~driver license~~]driving privilege waiver shall:

(a) request a waiver application from the Driver License Division, Medical Waiver Program Coordinator, P.O. Box 30560, Salt Lake City, UT 84130-0560;

(b) submit to the division for approval a waiver application with a current Functional Ability Evaluation Medical Certificate Report and Certificate of Visual Examination, as required, and a non-refundable check or money order payable to the Utah Department of Public Safety for the waiver processing fee;

(c) take a letter received from the division granting the waiver to any commercial driver license office and apply for an intrastate commercial [~~driver license~~]driving privilege with appropriate endorsements and/or restrictions; and

(d) pay applicable [~~commercial driver license~~]waiver fees, and when necessary, take appropriate written and skills tests to obtain the desired driving privilege[s].

.....

**KEY: intrastate driver license waivers**

**[July 11, 1997]2001**

**63-46a-3(2)  
53-3-303.5**



**Public Safety, Fire Marshal  
R710-3  
Assisted Living Facilities**

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE NO.: 23579

FILED: 03/30/2001, 10:16

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board proposes to add an amendment to Rule R710-3 - Assisted Living Facilities, which better defines the housing of residents in Type I Limited Capacity Assisted Living Facilities in split entry/split level homes.

SUMMARY OF THE RULE OR CHANGE: On March 6, 2001, the Utah Fire Prevention Board met and addressed an amendment to Section R710-3-2 - Definitions. This amendment further defines the term "Ambulatory" by adding an equivalency that can be approved under certain conditions by the Department of Health in an assisted living facility.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: There will be a very minimal cost to the State to reprint the changed Rule, R710-3, and to redistribute this rule to those who are affected by the rule change. The aggregate cost would be estimated at approximately \$150.
  - ❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government because this amendment does not effect local government.
  - ❖OTHER PERSONS: There is no anticipated cost or savings to the Assisted Living operators in a Type I Assisted Living Facilities because this amendment is already being used by the Department of Health as an equivalency when a resident becomes non-ambulatory.
- COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated compliance cost for affected persons because this amendment is already being used by the Department of Health as an equivalency when a resident becomes non-ambulatory.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on business that will result from this rule amendment.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety  
Fire Marshal  
Suite 302  
5272 South College Drive  
Murray, UT 84123-2611, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at psdomain.psudi.bhallada@email.state.ut.us.

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

**R710. Public Safety, Fire Marshal.**  
**R710-3. Assisted Living Facilities.**

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**R710-3-2. Definitions.**

"Ambulatory" means a person who is capable of achieving mobility sufficient to exit without the assistance of another person. An equivalency to "Ambulatory" may be approved by the Utah Department of Health pursuant to Utah Administrative Code, R432-2-18, in cases where a resident becomes non-ambulatory during the course of their stay in an assisted living facility.

"Assisted Living Facility" means:

(1) a Type I Assisted Living Facility, which is a residential facility that provides a protected living arrangement for ambulatory, nonrestrained persons who are capable of achieving mobility sufficient to exit the facility without the assistance of another person.

(2) a Type II Assisted Living Facility, which is a residential facility that provides an array of coordinated supportive personal and health care services to residents who meet the definition of semi-independent.

(3) Assisted Living Facilities shall be classified as follows:

(a) "Type I and II Limited Capacity Assisted Living Facility" means a facility accommodating not more than five residents, excluding staff.

(b) "Type I and II Small Assisted Living Facility" means a facility accommodating more than five and not more than sixteen residents, excluding staff.

(c) "Type I and II Large Assisted Living Facility" means a facility accommodating more than sixteen residents.

"Authority Having Jurisdiction (AHJ)" means the State Fire Marshal, his duly authorized deputies, or the local fire enforcement authority.

"Board" means Utah Fire Prevention Board.

"ICBO" means International Conference of Building Officials.

"IFCI" means International Fire Code Institute.

"Licensing Authority" means the Utah Department of Health or the Utah Department of Human Services.

"Semi-independent" means a person who is:

A. physically disabled but able to direct his or her own care;  
or

B. cognitively impaired or physically disabled but able to evacuate from the facility with the physical assistance of one person.

"SFM" means State Fire Marshal.

"UBC" means Uniform Building Code.

"UFC" means Uniform Fire Code.

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**KEY: assisted living facilities**  
**[January 15, 1999] May 16, 2001**  
**Notice of Continuation June 19, 1997**

53-7-204



Public Safety, Fire Marshal  
**R710-4**

Buildings Under the Jurisdiction of the  
State Fire Prevention Board

**NOTICE OF PROPOSED RULE**

(Amendment)

DAR FILE No.: 23580

FILED: 03/30/2001, 10:16

RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: The Utah Fire Prevention Board proposes to amend the currently enacted Rule R710-4, by adding two chapters of the National Fire Protection Association (NFPA), Standard 101, Life Safety Code, 2000 edition.

SUMMARY OF THE RULE OR CHANGE: On March 6, 2001, the Utah Fire Prevention Board met and addressed an amendment to Section R710-4-1.1. The Board proposes to add to the existing rule Chapter 20 - New Ambulatory Health Care Occupancies, and Chapter 21 - Existing Ambulatory Health Care Occupancies, to the already adopted incorporated reference National Fire Protection Association (NFPA), Standard 101, Life Safety Code, 2000 edition. When the 2000 edition of Standard 101, Life Safety Code, was adopted in January 2001, the above referenced two chapters were inadvertently left out of the adoption.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 53-7-204

THIS RULE OR CHANGE INCORPORATES BY REFERENCE THE FOLLOWING MATERIAL: National Fire Protection Association (NFPA), Standard 101, Life Safety Code, 2000 edition

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: There will be a cost to the state budget to reprint the changed Rule, R710-4, and to redistribute this rule to those who are affected by the rule change. The aggregate cost would be estimated at approximately \$150.

❖LOCAL GOVERNMENTS: There is no anticipated cost or savings to local government because this amendment does not effect local government.

❖OTHER PERSONS: There is no anticipated cost or savings to other persons because the two chapters that are proposed to be adopted have been used in the previous rule for years, and were inadvertently left out of the January 2001 incorporated reference update.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There is no anticipated compliance cost for affected persons because the two chapters have been used in this rule for many years and their adoption was inadvertently left out of the January 2001 incorporated reference update.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact to businesses from the proposed amendments to this rule.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Public Safety  
Fire Marshal  
Suite 302  
5272 South College Drive  
Murray, UT 84123-2611, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Brent R. Halladay at the above address, by phone at (801) 284-6350, by FAX at (801) 284-6351, or by Internet E-mail at [bhallada@dps.state.ut.us](mailto:bhallada@dps.state.ut.us).

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: Brent R. Halladay, Chief Deputy State Fire Marshal

**R710. Public Safety, Fire Marshal.**

**R710-4. Buildings Under the Jurisdiction of the State Fire Prevention Board.**

**R710-4-1. Adoption of Fire Codes.**

Pursuant to Title 53, Chapter 7, Section 204, of the Utah Code Annotated 1953, the Utah Fire Prevention Board adopts minimum rules for the prevention of fire and for the protection of life and property against fire and panic in any publicly owned building, including all public and private schools, colleges, and university buildings, and in any building or structure used, or intended for use, as an asylum, hospital, mental hospital, sanitarium, home for the aged, assisted living facility, children's home or institution, or any similar institutional type occupancy of any capacity; and in any place of assemblage where fifty (50) or more persons may gather together in a building, structure, tent, or room, for the purpose of amusement, entertainment, instruction, or education.

There is further adopted as part of these rules the following codes which are incorporated by reference:

1.1 National Fire Protection Association (NFPA), Standard 101, Life Safety Code (LSC), 2000 edition, except as amended by provisions listed in R710-4-3, et seq. The following chapters from NFPA, Standard 101 are the only chapters adopted: Chapter 18 - New Health Care Occupancies; Chapter 19 - Existing Health Care Occupancies; Chapter 20 - New Ambulatory Health Care Occupancies; Chapter 21 - Existing Ambulatory Health Care Occupancies; Chapter 22 - New Detention and Correctional Occupancies; Chapter 23 - Existing Detention and Correctional Occupancies; and other sections referenced within and pertaining to these chapters only.

1.2 National Fire Protection Association (NFPA), Standard 13, Installation of Sprinkler Systems, 1999 edition, except as amended by provisions listed in R710-4-3, et seq.

1.3 National Fire Protection Association (NFPA), Standard 72, National Fire Alarm Code, 1996 edition, except as amended by provisions listed in R710-4-3, et seq.

1.4 National Fire Protection Association (NFPA), Standard 70, National Electric Code (NEC), 1999 edition, as adopted by the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953.

1.5 Uniform Building Code (UBC), Volume 1, 1997 edition, as published by the International Conference of Building Officials (ICBO), and as adopted by the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953.

The following UBC appendix chapter is adopted:

Chapter 3 - Division IV, Requirements for Group R, Division 4 Occupancies.

1.6 Uniform Fire Code (UFC), Volume 1, 1997 edition, as published by the International Fire Code Institute (IFCI), except as amended by provisions listed in R710-4-3, et seq.

The following UFC appendix chapters are adopted:

- (a) Appendix I-C Stairway Identification.
- (b) Appendix III-C Inspection, Testing and Maintenance of Water Based Fire Protection Systems.
- (c) Appendix IV-A Interior Floor Finish.
- (d) Appendix VI-A Hazardous Materials Classifications.
- (e) Appendix VI-E Reference Tables from the Uniform Building Code.

1.7 Uniform Fire Code Standards (UFCS), Volume 2, 1997 edition, as published by the International Fire Code Institute (IFCI).

The following UFCS standards are amended as follows:

- (a) UFCS 10-1, Selection, Installation, Inspection, Maintenance and Testing of Portable Fire Extinguishers is amended to adopt NFPA, Standard 10, 1998 edition.
- (b) UFCS 10-2, Installation, Maintenance and Use of Fire Protection Signaling Systems is amended to adopt NFPA, Standard 72, 1996 edition.
- (c) UFCS 52-1, Compressed Natural Gas (CNG) Vehicular Fuel Systems is amended to adopt NFPA, Standard 52, 1995 edition.
- (d) UFCS 79-1, Foam Fire Protection Systems is amended to adopt NFPA, Standard 11, 1994 edition.
- (e) UFCS 82-1, Liquefied Petroleum Gas Storage is amended to adopt NFPA, Standard 58, 1995 edition.

1.8 International Mechanical Code (IMC), 1998 edition, a copyrighted work owned by the International Code Council, Inc., and as adopted by the Uniform Building Standards Act, Title 58, Chapter 56, Section 4, Utah Code Annotated 1953.

1.9 Copies of the above codes are on file in the Office of Administrative Rules and the State Fire Marshal.

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**KEY: fire prevention, public buildings**  
~~[January 16, 2001]~~ May 16, 2001 **53-7-204**  
**Notice of Continuation June 19, 1997**

# Regents (Board of), Administration **R765-649** Utah Higher Education Assistance Authority (UHEAA) Privacy Policy

## NOTICE OF PROPOSED RULE

(New)

DAR FILE NO.: 23596

FILED: 04/02/2001, 13:51

RECEIVED BY: NL

### RULE ANALYSIS

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: To provide the terms of UHEAA's privacy policy concerning the disclosure of customer nonpublic personal information, as required by the Gramm-Leach-Bliley Act, a Federal law.

SUMMARY OF THE RULE OR CHANGE: The rule states UHEAA's privacy policy concerning the disclosure of customers' nonpublic personal information. UHEAA does not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law.

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Subsection 53B-12-101(6)

FEDERAL REQUIREMENT FOR THIS RULE: Pub. Law No. 106-102 (Gramm-Leach-Bliley Act), and 16 CFR 313 (Privacy of Consumer Financial Information)

ANTICIPATED COST OR SAVINGS TO:

- ❖THE STATE BUDGET: None--there are no appropriated state funds involved in student loan programs.
- ❖LOCAL GOVERNMENTS: None--local governments are not involved in student loan programs
- ❖OTHER PERSONS: None--there is no cost to any other person or entity, other than UHEAA.

COMPLIANCE COSTS FOR AFFECTED PERSONS: There are no compliance costs for any person or entity, other than UHEAA.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no fiscal impact on businesses.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Regents (Board of)  
Administration  
Suite 550, 3 Triad Center  
355 West North Temple  
PO Box 45202  
Salt Lake City, UT 84180-1205, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Cathryn Judd at the above address, by phone at (801) 321-7249, by FAX at (801) 321-7299, or by Internet E-mail at [cjudd@utahsbr.edu](mailto:cjudd@utahsbr.edu).

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: Chalmers Gail Norris, Associate Commissioner

**R765. Regents (Board of), Administration.**

**R765-649. Utah Higher Education Assistance Authority (UHEAA) Privacy Policy.**

**R765-649-1. Purpose.**

The purpose of this rule is to provide the terms of UHEAA's privacy policy concerning the disclosure of customer nonpublic personal information, as required by federal regulation.

**R765-649-2. References.**

2.1 Utah Code Title 53B, Utah System of Higher Education, Chapter 12.

2.2 U.S. Congress, Title IV of the Higher Education Act of 1965, as amended.

2.3 U.S. Federal Trade Commission, Code of Federal Regulations, 16 CFR Part 313.

2.4 Pub. L. No. 106-102, the Gramm-Leach-Bliley Act

**End of the Notices of Proposed Rules Section**

**R765-649-3. General.**

3.1 UHEAA collects nonpublic personal information about customers from:

3.1.1 information received from customers on applications or other forms;

3.1.2 information from customer transactions with UHEAA, its affiliates or others; and

3.1.3 information received from a consumer reporting agency.

3.2 UHEAA does not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law.

3.3 UHEAA restricts access to nonpublic personal information about customers to those employees who need to know such information to provide products or services to customers. UHEAA maintains physical, electronic, and procedural safeguards that comply with federal regulations to guard customer nonpublic personal information.

**KEY: higher education, student loans\***

**2001**

**53B-12-101(6)**



## NOTICES OF CHANGES IN PROPOSED RULES

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After an agency has published a PROPOSED RULE in the *Utah State Bulletin*, it may receive public comment that requires the PROPOSED RULE to be altered before it goes into effect. A CHANGE IN PROPOSED RULE allows an agency to respond to comments it receives.

As with a PROPOSED RULE, a CHANGE IN PROPOSED RULE is preceded by a RULE ANALYSIS. This analysis provides summary information about the CHANGE IN PROPOSED RULE including the name of a contact person, anticipated cost impact of the rule, and legal cross-references.

Following the RULE ANALYSIS, the text of the CHANGE IN PROPOSED RULE is usually printed. The text shows only those changes made since the PROPOSED RULE was published in an earlier edition of the *Utah State Bulletin*. Additions made to the rule appear underlined (e.g., example). Deletions made to the rule appear struck out with brackets surrounding them (e.g., [example]). A row of dots in the text (•••••) indicates that unaffected text was removed to conserve space. If a CHANGE IN PROPOSED RULE is too long to print, the Division of Administrative Rules will include only the RULE ANALYSIS. A copy of rules that are too long to print is available from the agency or from the Division of Administrative Rules.

While a CHANGE IN PROPOSED RULE does not have a formal comment period, there is a 30-day waiting period during which interested parties may submit comments. The 30-day waiting period for CHANGES IN PROPOSED RULES published in this issue of the *Utah State Bulletin* ends May 15, 2001. At its option, the agency may hold public hearings.

From the end of the waiting period through August 13, 2001, the agency may notify the Division of Administrative Rules that it wants to make the CHANGE IN PROPOSED RULE effective. When an agency submits a NOTICE OF EFFECTIVE DATE for a CHANGE IN PROPOSED RULE, the PROPOSED RULE as amended by the CHANGE IN PROPOSED RULE becomes the effective rule. The agency sets the effective date. The date may be no fewer than 30 days nor more than 120 days after the publication date of this issue of the *Utah State Bulletin*. Alternatively, the agency may file another CHANGE IN PROPOSED RULE in response to additional comments received. If the Division of Administrative Rules does not receive a NOTICE OF EFFECTIVE DATE or another CHANGE IN PROPOSED RULE, the CHANGE IN PROPOSED RULE filing, along with its associated PROPOSED RULE, lapses and the agency must start the process over.

CHANGES IN PROPOSED RULES are governed by *Utah Code* Section 63-46a-6 (1996); and *Utah Administrative Code* Rule R15-2, and Sections R15-4-3, R15-4-5, R15-4-7, and R15-4-9.

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**The Changes in Proposed Rules Begin on the Following Page.**

Commerce, Occupational and  
Professional Licensing  
**R156-22**  
Professional Engineers and  
Professional Land Surveyors Licensing  
Act Rules

**NOTICE OF CHANGE IN PROPOSED RULE**

DAR FILE NO.: 23517  
FILED: 04/02/2001, 13:24  
RECEIVED BY: NL

**RULE ANALYSIS**

PURPOSE OF THE RULE OR REASON FOR THE CHANGE: Following a public hearing on March 20, 2001, the Professional Engineers and Professional Land Surveyors Licensing Board recommended to the Division to delay the implementation of the proposed rule for one year. The proposed rule will require all applicants to be preapproved to take the professional examinations. The Board's reasoning to delay implementation was to provide reasonable notice to the applicants of the change in rule in order to minimize any potential negative impact that could result from the implementation. The Board also recommended to the Division that anyone should be permitted to take the Fundamentals of Land Surveying Examination (FLS) at any time and without any requirements to sit for the exam.

SUMMARY OF THE RULE OR CHANGE: In Subsections R156-22-204(2) and R156-22-205(2), and R156-22-303(2), an addition was made that would make that proposed rules effective beginning May 1, 2002. In Subsection R156-22-303(3), the admission criteria to take the NCEES FLS (Fundamentals of Land Surveying) examination was deleted.

**(DAR Note:** This change in proposed rule has been filed to make additional changes to an amendment that was published in the March 1, 2001, issue of the *Utah State Bulletin*, on page 4. Underlining in the rule below indicates text that has been added since the publication of the proposed rule mentioned above; strike-out indicates text that has been deleted. You must view the change in proposed rule and the proposed rule together to understand all of the changes that will be enforceable should the agency make this rule effective.)

STATE STATUTORY OR CONSTITUTIONAL AUTHORIZATION FOR THIS RULE: Section 58-22-101, and Subsections 58-1-106(1) and 58-1-202(1)

ANTICIPATED COST OR SAVINGS TO:

❖THE STATE BUDGET: The Division will incur no additional costs or savings beyond those identified in the original rule filing.

❖LOCAL GOVERNMENTS: The proposed rule change does not apply to local governments.

❖OTHER PERSONS: For the engineering applicants who intended to take the identified examinations without prior authorization, these amendments will minimize any potential negative impact of the new change upon those applicants affected by the new change. There is no way to determine what actual costs or savings are incurred by the delay in implementation. Currently, there are no restrictions on taking the Fundamentals of Land Surveying Examination. Therefore, there is no impact on applicants by repealing the proposed rule amendment that would have imposed restrictions to take that examination.

COMPLIANCE COSTS FOR AFFECTED PERSONS: For the engineering applicants who intended to take the identified examinations without prior authorization, these amendments will minimize any potential negative impact of the new change upon those applicants affected by the new change. There is no way to determine what actual costs or savings are incurred by the delay in implementation. Currently, there are no restrictions on taking the Fundamentals of Land Surveying Examination. Therefore, there is no impact on applicants by repealing the proposed rule amendment that would have imposed restrictions to take that examination.

COMMENTS BY THE DEPARTMENT HEAD ON THE FISCAL IMPACT THE RULE MAY HAVE ON BUSINESSES: There is no practical way to try and measure what cost (or even savings) will be incurred by professional or structural engineers as a result of the one-year delay in the implementation of the rule. The delay in implementation was not made with any cost factors in mind but for purposes of giving adequate notice to applicants that they must be preapproved to sit for the examinations. Since there are no restrictions on taking the Fundamentals of Land Surveying Examination, the repeal of the proposed rule that would have imposed restrictions before applicants could sit for the exam, will not have any cost impact. Ted Boyer, Jr., Executive Director

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Commerce  
Occupational and Professional Licensing  
Fourth Floor, Heber M. Wells Building  
160 East 300 South  
PO Box 146741  
Salt Lake City, UT 84114-6741, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

David Fairhurst at the above address, by phone at (801) 530-6621, by FAX at (801) 530-6511, or by Internet E-mail at [brdopl.dfairhur@email.state.ut.us](mailto:brdopl.dfairhur@email.state.ut.us).

INTERESTED PERSONS MAY PRESENT THEIR VIEWS ON THIS RULE BY SUBMITTING WRITTEN COMMENTS TO THE ADDRESS ABOVE NO LATER THAN 5:00 P.M. ON 05/15/2001.

THIS RULE MAY BECOME EFFECTIVE ON: 05/16/2001

AUTHORIZED BY: J. Craig Jackson, Director

**R156. Commerce, Occupational and Professional Licensing.  
R156-22. Professional Engineers and Professional Land Surveyors Licensing Act Rules.**

**R156-22-204. Examination Requirements for Licensure as a Professional Engineer.**

(1) In accordance with Subsection 58-22-302(1)(f), the examination requirements for licensure as a professional engineer are defined, clarified or established as the following:

(a) the NCEES Fundamentals of Engineering ("FE") Examination with a passing score as established by the NCEES;

(b) the NCEES Principles and Practice of Engineering ("PPE") Examination with a passing score as established by the NCEES in one of the following disciplines: agriculture, chemical, civil, control systems, electrical, environmental, fire protection, industrial, manufacturing, mechanical, metallurgical, mining/mineral, nuclear, and petroleum; and

(c) as part of the application for license, pass all questions on the open book, take home Utah Law and Rules Examination.

(2) ~~Beginning May 1, 2002, an~~~~Am~~ applicant must have successfully completed the qualifying experience requirements set forth in Section R156-22-202, and have successfully completed the education requirements set forth in Section R156-22-201, and make application before being eligible to sit for the NCEES PPE examination.

(3) The admission criteria to sit for the NCEES FE examination is set forth in Section 58-22-306.

**R156-22-205. Examination Requirements for Licensure as a Professional Structural Engineer.**

(1) In accordance with Subsection 58-22-302(2)(f), the examination requirements for licensure as a professional structural engineer are defined, clarified, or established as the following:

(a) the NCEES Fundamentals of Engineering Examination with a passing score as established by the NCEES;

(b) the NCEES Principles and Practice Examination in the discipline of civil with a passing score as established by the NCEES;

(c) the NCEES Structural I and Structural II Examinations with a passing score as established by the NCEES or the 16 hour California Structural Examination with a passing score as established by the California engineering board; and

(d) as part of the application for license, pass all questions on the open book, take home Utah Law and Rules Examination.

(2) ~~Beginning May 1, 2002, an~~~~Am~~ applicant must have successfully completed the experience requirements set forth in Subsection R156-22-203(2) and make application before being eligible to sit for the NCEES Structural I and/or II examinations.

**R156-22-303. Examination Requirements for Licensure as a Professional Land Surveyor.**

(1) In accordance with Subsection 58-22-302(3)(g), the examination requirements for licensure as a professional land surveyor are established as the following:

(a) the NCEES Fundamentals of Land Surveying ("FLS") Examination with a passing score as established by the NCEES;

(b) the NCEES Principles and Practice of Land Surveying ("PPLS") Examination with a passing score as established by the NCEES; and

(c) the Utah Local Practice Examination with a passing score of at least 75.

(2) ~~Beginning May 1, 2002, an~~~~Am~~ applicant must have successfully completed the education and qualifying experience requirements set forth in Subsections R156-22-301 and 302~~(+)~~ and make application before being eligible to sit for the NCEES PPLS examination.[]

~~(3) The admission criteria to take the NCEES FLS examination is:~~

~~(a) if applying by experience only, completion of the experience requirement set forth in Subsection 58-22-302(3)(c); or~~

~~(b) if applying by education and experience, completion of the education requirement set forth in Subsection 58-22-302(3)(d).]~~

**KEY: engineers, surveyors, professional land surveyors\*, professional engineers\***

<b>2001</b>	<b>58-22-101</b>
<b>Notice of Continuation January 27, 1998</b>	<b>58-1-106(1)</b>
	<b>58-1-202(1)</b>



**End of the Notices of Changes  
in Proposed Rules Section**

# FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION

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Within five years of an administrative rule's original enactment or last five-year review, the responsible agency is required to review the rule. This review is designed to remove obsolete rules from the *Utah Administrative Code*.

Upon reviewing a rule, an agency may: repeal the rule by filing a PROPOSED RULE; continue the rule as it is by filing a NOTICE OF REVIEW AND STATEMENT OF CONTINUATION (NOTICE); or amend the rule by filing a PROPOSED RULE and by filing a NOTICE. By filing a NOTICE, the agency indicates that the rule is still necessary.

NOTICES are not followed by the rule text. The rule text that is being continued may be found in the most recent edition of the *Utah Administrative Code*. The rule text may also be inspected at the agency or the Division of Administrative Rules. NOTICES are effective when filed. NOTICES are governed by *Utah Code* Section 63-46a-9 (1996).

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## Agriculture and Food, Administraton **R51-1** Public Petitions for Declaratory Rulings

### **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 23584  
FILED: 03/30/2001, 15:51  
RECEIVED BY: NL

### **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 63-46a-3 authorizes the Department of Agriculture and Food to make and enforce rules; also, states the requirements for rulemaking. Section 63-46b-21, establishes the requirements for an agency to issue declaratory orders.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule provides the procedures for submission, review, and disposition of petitions for agency declaratory rulings on the applicability of statutes, rules, and orders governing or issued by the Department of Agriculture and Food.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Agriculture and Food  
Administraton  
350 North Redwood Road  
PO box 146500  
Salt Lake City, UT 84114-6500, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Renee Matsuura at the above address, by phone at (801) 538-5110, by FAX at (801) 538-7126, or Internet E-mail at agmain.rmatsuura@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 03/30/2001



## Agriculture and Food, Animal Industry **R58-11** Slaughter of Livestock

### **FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 23585  
FILED: 03/30/2001, 15:51  
RECEIVED BY: NL

### **NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 4-32-8, authorizes the Department of Agriculture and Food discretionary functions, powers, and duties necessary for the slaughter of livestock.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the requirements and guidelines for the slaughtering of livestock within the State of Utah for the safety of the consumer.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
Agriculture and Food  
Animal Industry  
350 North Redwood Road  
PO Box 146500  
Salt Lake City, UT 84114-6500, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Mike Marshall at the above address, by phone at (801) 538-7160, by FAX at (801) 538-7169, or Internet E-mail at agmain.mmarshall@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 03/30/2001

Agriculture and Food, Animal Industry  
**R58-12**  
Record Keeping and Carcass  
Identification at Meat Exempt (Custom  
Cut) Establishments

**FIVE-YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 23586  
FILED: 03/30/2001, 15:51  
RECEIVED BY: NL

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 4-32-7, authorizes the Department of Agriculture and Food to make and enforce rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the requirements for records that are to be kept on each animal slaughtered by its owner which enters a meat exempt establishment.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
Agriculture and Food  
Animal Industry  
350 North Redwood Road

PO Box 146500  
Salt Lake City, UT 84114-6500, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Mike Marshall at the above address, by phone at (801) 538-7160, by FAX at (801) 538-7169, or Internet E-mail at agmain.mmarshall@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 03/30/2001

Agriculture and Food, Animal Industry  
**R58-13**  
Custom Exempt Slaughter

**FIVE-YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE NO.: 23587  
FILED: 03/30/2001, 15:51  
RECEIVED BY: NL

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 4-32-7, authorizes the Department of Agriculture and Food to make and enforce rules.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the requirements for each animal slaughtered by its owner which would be exempt from inspection.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Agriculture and Food  
Animal Industry  
350 North Redwood Road  
PO Box 146500  
Salt Lake City, UT 84114-6500, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Mike Marshall at the above address, by phone at (801) 538-7160, by FAX at (801) 538-7169, or Internet E-mail at agmain.mmarshall@state.ut.us.

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 03/30/2001



**Agriculture and Food, Animal Industry  
R58-15  
Collection of Annual Fees for the  
Wildlife Damage Prevention Act**

**FIVE-YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE No.: 23588  
FILED: 03/30/2001, 15:51  
RECEIVED BY: NL

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 4-2-2(1)(j), authorizes the Department of Agriculture and Food to make and enforce rules. Section 4-23-7, authorizes the department to collect annual fees for predator control.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No written comments were received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule defines the policies by which the board shall implement the collection and non-collection exemption of annual fees assessed under the Wildlife Damage Prevention Act.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Agriculture and Food  
Animal Industry  
350 North Redwood Road  
PO Box 146500  
Salt Lake City, UT 84114-6500, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Seth Winterton at the above address, by phone at (801) 538-7141, by FAX at (801) 538-7126, or Internet E-mail at [agmain.swintert@state.ut.us](mailto:agmain.swintert@state.ut.us).

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 03/30/2001



**Agriculture and Food, Animal Industry  
R58-16  
Swine Garbage Feeding**

**FIVE-YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

DAR FILE No.: 23589  
FILED: 03/30/2001, 15:51  
RECEIVED BY: NL

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsections 4-2-2(1)(c), 4-2-2(1)(f), 4-2-2(1)(j) authorize the Department of Agriculture and Food to make and enforce rules. Sections 4-31-10, 4-31-11, and 4-31-12 authorize the department to enforce rules for the quarantine, feeding garbage to swine, and the disposal of an infected carcass.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule establishes the requirements for the feeding of garbage to swine.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Agriculture and Food  
Animal Industry  
350 North Redwood Road  
PO Box 146500  
Salt Lake City, UT 84114-6500, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Mike Marshall at the above address, by phone at (801) 538-7160, by FAX at (801) 538-7169, or Internet E-mail at [agmain.mmarshal@state.ut.us](mailto:agmain.mmarshal@state.ut.us).

AUTHORIZED BY: Cary G. Peterson, Commissioner

EFFECTIVE: 03/30/2001



**Alcoholic Beverage Control,  
Administration  
R81-4B  
Airport Lounges**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 23591  
FILED: 04/02/2001, 08:34  
RECEIVED BY: NL

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 32A-1-107: The Alcoholic Beverage Control Commission sets policies and adopts rules for the sale, storage, and distribution of alcoholic beverages within the state of Utah.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Licensing guidelines and operational restrictions for all lounges within the Salt Lake City International Airport where alcoholic beverages are sold.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Alcoholic Beverage Control  
Administration  
1625 South 900 West  
PO Box 30408  
Salt Lake City, UT 84130-0408, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Clara Fritz or Earl Dorius at the above address, by phone at (801) 977-6800, by FAX at (801) 977-6889, or Internet E-mail at abcmmain.cfritz@state.ut.us.

AUTHORIZED BY: Kenneth F. Wynn, Director

EFFECTIVE: 04/02/2001



Alcoholic Beverage Control,  
Administration

**R81-10**

On-Premise Beer Retailer

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 23592  
FILED: 04/02/2001, 08:46  
RECEIVED BY: NL

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 32A-1-107: The Alcoholic Beverage Control Commission sets policies and adopts rules for the sale, storage, and distribution of alcoholic beverages within the state of Utah.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: None received.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Licensing guidelines and operational restrictions for all licensed establishments where 3.2% beer is sold for on premise consumption.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Alcoholic Beverage Control  
Administration  
1625 South 900 West  
PO Box 30408  
Salt Lake City, UT 84130-0408, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Clara Fritz or Earl Dorius at the above address, by phone at (801) 977-6800, by FAX at (801) 977-6889, or Internet E-mail at abcmmain.cfritz@state.ut.us.

AUTHORIZED BY: Kenneth F. Wynn, Director

EFFECTIVE: 04/02/2001



Corrections, Administration

**R251-109**

Sex Offender Treatment Providers

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE NO.: 23568  
FILED: 03/27/2001, 09:59  
RECEIVED BY: NL

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 76-5-406.5 requires the Department to develop criteria for the approval of the treatment program and professionals.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no written comments received regarding the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule is needed in order to define the criteria and guidelines for the standards, application and approval process, and program requirements for sex offender treatment providers.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Corrections  
Administration  
Suite 304  
6100 South Fashion Blvd.  
Murray, UT 84107, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5523, or Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

AUTHORIZED BY: Mike Chabries, Executive Director

EFFECTIVE: 03/27/2001



**Corrections, Administration**  
**R251-110**  
**Sex Offender Notification**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 23569  
FILED: 03/27/2001, 09:59  
RECEIVED BY: NL

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 77-27-21.5 requires the Department to develop and operate a system to maintain and disseminate information on sex offenders to the public.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no written comments received regarding the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: The public needs to know how to submit a petition for sex offender information.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Corrections  
Administration  
Suite 304  
6100 South Fashion Blvd.  
Murray, UT 84107, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5523, or Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

AUTHORIZED BY: Mike Chabries, Executive Director

EFFECTIVE: 03/27/2001



**Corrections, Administration**  
**R251-709**  
**Transportation of Inmates**

**FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

DAR FILE No.: 23570  
FILED: 03/27/2001, 09:59  
RECEIVED BY: NL

**NOTICE OF REVIEW AND STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 64-13-10 provides for the Department to make rules as necessary and as required to accomplish its purposes.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: There were no written comments received regarding the rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: This rule should be continued in order to maintain safety and security while transporting inmates to a courtroom or medical facility. The public and other agencies need to be informed regarding requirements and restrictions during transportation.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Corrections  
Administration  
Suite 304  
6100 South Fashion Blvd.  
Murray, UT 84107, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Pam Elliott at the above address, by phone at (801) 265-5514, by FAX at (801) 265-5523, or Internet E-mail at crdeptdo.crdept.pelliott@email.state.ut.us.

AUTHORIZED BY: Mike Chabries, Executive Director

EFFECTIVE: 03/27/2001

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Because of the unique nature of commercial aviation risks, aviation insurance premiums rely on individual risk analysis, underwriting judgment and the negotiation of a sophisticated business transaction between the insurer and an informed insured. Similarly, because of their unique nature, commercial aviation insurance risks have individually-tailored manuscript-type policies. As the commercial aviation market segment is highly specialized, competitive and global in nature, the commissioner has determined that exemption from the rate and form filing requirements of the Utah Insurance Code will not harm Utah insureds, creditors, or the public and is not necessary to the regulation of these insurance products.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:

Insurance  
Administration  
3110 State Office Building  
Salt Lake City, UT 84114, or  
at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
Jilene Whitby at the above address, by phone at (801) 538-3803, by FAX at (801) 538-3829, or Internet E-mail at idmain.jwhitby@state.ut.us.

AUTHORIZED BY: Jilene Whitby, Information Specialist

EFFECTIVE: 03/30/2001



**Insurance, Administration  
R590-144**

**Commercial Aviation Insurance  
Exemption From Rate and Form Filing**

**FIVE-YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**  
DAR FILE NO.: 23582  
FILED: 03/30/2001, 14:52  
RECEIVED BY: NL

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Subsection 31A-2-201(3) allows the commissioner to make rules to implement the provisions of the Insurance Code. Section 31A-19-103 allows the commissioner to exempt a person, organization or part of the market from the requirements of this chapter on rate regulations. As a result of this rule, the commissioner has exempted aviation insurance from the requirements of Chapter 19a. Subsection 31A-21-101(5) also allows the commissioner to exempt any class of business from the requirements of this chapter if Utah insureds, creditors, or the public would not be harmed by the exemption.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: The department has not received any written comments for or against this rule in the past five years.



**Tax Commission, Auditing  
R865-21U  
Use Tax**

**FIVE-YEAR NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**  
DAR FILE NO.: 23572  
FILED: 03/27/2001, 10:05  
RECEIVED BY: NL

**NOTICE OF REVIEW AND  
STATEMENT OF CONTINUATION**

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 59-12-103 imposes a tax on sales and uses of tangible personal property and services, but leaves unclear how the two taxes work together. Section 59-12-103 also imposes a use tax on

tangible personal property stored in the state, but does not define when goods are stored in the state, nor does it address the issue of incidental first use of the property outside the state. Section 59-12-107 places responsibility for collecting use tax upon vendors, but does not provide adequate detail to determine if a taxable use has occurred, and is silent on the issue of whether the vendor should collect use tax on goods purchased in interstate commerce but stored, used, or consumed within the state. Section 59-12-107 also imposes a use tax upon users if a sales or use tax was not collected by the vendor, but does not provide detail on how the user should pay or account for those payments. Section 59-12-118 gives the Tax Commission rulemaking authority to administer the sales and use tax.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received since the last five-year review

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section R865-21U-1 clarifies the purpose of the use tax and when the use tax applies. Section R865-21U-2 clarifies that all rules promulgated for sales taxes are applicable to use taxes. Section R865-21U-3 clarifies when vendors are required to collect use tax. Section R865-21U-6 sets forth a purchaser's responsibilities with regard to payment of and account for use tax. Section R865-21U-12 provides a definition of when tangible personal property is stored within the state. Section R865-21U-15 clarifies that incidental first use of tangible personal property outside the state will be subject to Utah use tax. Section R865-21U-16 clarifies that use tax is required on goods sold in interstate commerce but stored, used, or consumed within the state.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 Tax Commission  
 Auditing  
 Tax Commission Building  
 210 North 1950 West  
 Salt Lake City, UT 84134, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:  
 Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or Internet E-mail at phendric@tax.state.ut.us.

AUTHORIZED BY: Pam Hendrickson, Commissioner

EFFECTIVE: 03/27/2001



## Tax Commission, Collections **R867-2B** Delinquent Tax Collection

### FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

DAR FILE NO.: 23574  
 FILED: 03/27/2001, 13:22  
 RECEIVED BY: NL

### NOTICE OF REVIEW AND STATEMENT OF CONTINUATION

CONCISE EXPLANATION OF THE PARTICULAR STATUTORY PROVISIONS UNDER WHICH THE RULE IS ENACTED AND HOW THESE PROVISIONS AUTHORIZE OR REQUIRE THE RULE: Section 59-1-302 allows the Tax Commission to impose a penalty upon the officers/directors or a corporation for unpaid tax. The rule clarifies that the Tax Commission may impose a lien for those penalties if they remain unpaid. Sections 59-1-701 and 59-1-702 allow the Tax Commission to make a jeopardy assessment if certain grounds are met. Section 59-1-703 provides that property seized under a jeopardy assessment may be sold prior to the close of appeals on the assessment if certain conditions are met. Section 59-19-104 requires the Tax Commission to adopt a uniform system of affixing and displaying drug stamps for marijuana and controlled substances on which a tax is imposed.

SUMMARY OF WRITTEN COMMENTS RECEIVED DURING AND SINCE THE LAST FIVE-YEAR REVIEW OF THE RULE FROM INTERESTED PERSONS SUPPORTING OR OPPOSING THE RULE: No comments received since the last five-year rule.

REASONED JUSTIFICATION FOR CONTINUATION OF THE RULE, INCLUDING REASONS WHY THE AGENCY DISAGREES WITH COMMENTS IN OPPOSITION TO THE RULE, IF ANY: Section R867-2B-1 clarifies that certain individuals may be subject to a tax lien. Section R867-2B-2 clarifies that assessments made pursuant to the Illegal Drug Stamp Tax Act shall be presumed to meet the grounds required for the jeopardy assessment provided for under Title 59, Chapter 1, Part 7. Section R867-2B-3 clarifies the procedures the Tax Commission follows prior to sale of property seized under a jeopardy assessment. Section R867-24B-4 sets forth a uniform system of affixing and displaying drug stamps on marijuana and controlled substances for which a tax is imposed under Title 59, Chapter 19.

THE FULL TEXT OF THIS RULE MAY BE INSPECTED, DURING REGULAR BUSINESS HOURS, AT:  
 Tax Commission  
 Collections  
 Tax Commission Building  
 210 North 1950 West  
 Salt Lake City, UT 84134, or  
 at the Division of Administrative Rules.

DIRECT QUESTIONS REGARDING THIS RULE TO:

Pam Hendrickson at the above address, by phone at (801) 297-3900, by FAX at (801) 297-3919, or Internet E-mail at phendric@tax.state.ut.us.

AUTHORIZED BY: Pam Hendrickson, Commissioner

EFFECTIVE: 03/27/2001



**End of the Five-Year Notices of Review and Statements of Continuation Section**

## NOTICES OF RULE EFFECTIVE DATES

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These are the effective dates of PROPOSED RULES or CHANGES IN PROPOSED RULES published in earlier editions of the *Utah State Bulletin*. These effective dates are at least 31 days and not more than 120 days after the date the following rules were published.

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### Abbreviations

AMD = Amendment  
CPR = Change in Proposed Rule  
NEW = New Rule  
R&R = Repeal and Reenact  
REP = Repeal

### Health

Health Systems Improvement, Health Facility Licensure  
No. 23380 (AMD): R432-270. Assisted Living Facilities.  
Published: January 1, 2001  
Effective: March 30, 2001

### Labor Commission

Industrial Accidents  
No. 23223 (CPR): R612-1-10. Permanent Total Disability.  
Published: January 1, 2001  
Effective: March 20, 2001

No. 23467 (AMD): R612-2-16. Charges for Special or Unusual Supplies, Materials, or Drugs.  
Published: February 15, 2001  
Effective: March 20, 2001

No. 23469 (AMD): R612-2-22. Medical Records.  
Published: February 15, 2001  
Effective: March 20, 2001

No. 23471 (AMD): R612-2-24. Review of Medical Payments.  
Published: February 15, 2001  
Effective: March 20, 2001

### Safety

No. 23473 (AMD): R616-3-3. Safety Codes for Elevators.  
Published: February 15, 2001  
Effective: March 20, 2001

### Natural Resources

Oil, Gas and Mining; Coal  
No. 23385 (AMD): R645-100-200. Definitions.  
Published: January 1, 2001  
Effective: April 2, 2001

No. 23386 (AMD): R645-301-500. Engineering.  
Published: January 1, 2001  
Effective: April 2, 2001

### Parks and Recreation

No. 23439 (AMD): R651-205. Zoned Waters.  
Published: February 15, 2001  
Effective: March 20, 2001

No. 23440 (AMD): R651-219. Additional Safety Equipment.  
Published: February 15, 2001  
Effective: March 20, 2001

### Wildlife Resources

No. 23455 (AMD): R657-27. License Agent Procedures.  
Published: February 15, 2001  
Effective: March 26, 2001

### Public Service Commission

Administration  
No. 23328 (CPR): R746-340. Service Quality for Telecommunications Corporations.  
Published: February 15, 2001  
Effective: March 27, 2001

### Transportation

Motor Carrier  
No. 23460 (AMD): R909-1. Safety Regulations for Motor Carriers.  
Published: February 15, 2001  
Effective: March 20, 2001

No. 23461 (AMD): R909-75. Safety Regulations for Motor Carriers Transporting Hazardous Materials and/or Hazardous Wastes.  
Published: February 15, 2001  
Effective: March 20, 2001

### Workforce Services

Employment Development  
No. 23474 (AMD): R986-900-902. Options and Waivers.  
Published: February 15, 2001  
Effective: March 20, 2001

# RULES INDEX BY AGENCY (CODE NUMBER) AND BY KEYWORD (SUBJECT)

The *Rules Index* is a cumulative index that reflects all effective changes to Utah's administrative rules. The current *Index* lists changes made effective from January 2, 2001, including notices of effective date received through April 2, 2001, the effective dates of which are no later than April 15, 2001. The *Rules Index* is published in the *Utah State Bulletin* and in the annual *Index of Changes*. Nonsubstantive changes, while not published in the *Bulletin*, do become part of the *Utah Administrative Code (Code)* and are included in this *Index*, as well as 120-Day (Emergency) rules that do not become part of the *Code*. The rules are indexed by Agency (Code Number) and Keyword (Subject).

A copy of the *Rules Index* is available for public inspection at the Division of Administrative Rules (4120 State Office Building, Salt Lake City, UT), or may be viewed online at the Division's web site (<http://www.rules.state.ut.us/>).

## RULES INDEX - BY AGENCY (CODE NUMBER)

### ABBREVIATIONS

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<b>ADMINISTRATIVE SERVICES</b>					
<u>Finance</u>					
R25-14	Payment of Attorneys Fees in Death Penalty Cases	23366	AMD	01/22/2001	2000-24/5
<u>Fleet Operations</u>					
R27-2	Fleet Operations Adjudicative Proceedings	23522	5YR	02/08/2001	2001-5/39
R27-7	Safety and Loss Prevention of State Vehicles	23345	NEW	01/31/2001	2000-24/6
<u>Fleet Operations, Surplus Property</u>					
R28-2	Surplus Firearms	23523	5YR	02/08/2001	2001-5/39
<b>AGRICULTURE AND FOOD</b>					
<u>Administration</u>					
R51-1	Public Petitions for Declaratory Rulings	23584	5YR	03/30/2001	2001-8/83

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Animal Industry</u>					
R58-2	Diseases, Inspections and Quarantines	23557	NSC	04/01/2001	Not Printed
R58-10	Meat and Poultry Inspection	23306	AMD	01/03/2001	2000-23/9
R58-11	Slaughter of Livestock	23585	5YR	03/30/2001	2001-8/83
R58-12	Record Keeping and Carcass Identification at Meat Exempt (Custom Cut) Establishments	23586	5YR	03/30/2001	2001-8/84
R58-13	Custom Exempt Slaughter	23587	5YR	03/30/2001	2001-8/84
R58-15	Collection of Annual Fees for the Wildlife Damage Prevention Act	23588	5YR	03/30/2001	2001-8/85
R58-16	Swine Garbage Feeding	23589	5YR	03/30/2001	2001-8/85
<u>Chemistry Laboratory</u>					
R63-1	Fee Schedule	23404	5YR	01/10/2001	2001-3/94
<u>Marketing and Conservation</u>					
R65-1	Utah Apple Marketing Order	23543	5YR	03/06/2001	2001-7/45
R65-3	Utah Turkey Marketing Order	23544	5YR	03/06/2001	2001-7/45
R65-4	Utah Egg Marketing Order	23545	5YR	03/06/2001	2001-7/46
<u>Plant Industry</u>					
R68-1	Utah Bee Inspection Act Governing Inspection of Bees	23434	5YR	01/16/2001	2001-3/94
R68-2	Utah Commercial Feed Act Governing Feed	23435	5YR	01/16/2001	2001-3/95
R68-6	Utah Nursery Act	23436	5YR	01/16/2001	2001-3/95
R68-10	Quarantine Pertaining to the European Corn Borer	23437	5YR	01/16/2001	2001-3/96
R68-12	Quarantine Pertaining to Mint Wilt	23438	5YR	01/16/2001	2001-3/96
<u>Regulatory Services</u>					
R70-101	Bedding, Upholstered Furniture and Quilted Clothing	23541	5YR	03/06/2001	2001-7/46
R70-420	Chickens	23428	REP	03/06/2001	2001-3/5
R70-430	Turkeys	23429	REP	03/06/2001	2001-3/6
R70-610	Uniform Retail Wheat Standards of Identity	23430	5YR	01/16/2001	2001-3/96
R70-610	Uniform Retail Wheat Standards and Identity	23431	NSC	02/01/2001	Not Printed
R70-620	Enrichment of Flour and Cereal Products	23432	5YR	01/16/2001	2001-3/97
R70-620	Enrichment of Flour and Cereal Products	23433	AMD	03/06/2001	2001-3/7
<b><u>ALCOHOLIC BEVERAGE CONTROL</u></b>					
<u>Administration</u>					
R81-4B	Airport Lounges	23591	5YR	04/02/2001	2001-8/85
R81-10	On Premise Beer Retailer	23592	5YR	04/02/2001	2001-8/86

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<b>COMMERCE</b>					
<u>Administration</u>					
R151-46b	Department of Commerce Administrative Procedures Act Rules	23537	5YR	02/28/2001	2001-6/49
<u>Consumer Protection</u>					
R152-1	Utah Division of Consumer Protection: "Buyer Beware List"	23457	5YR	01/29/2001	2001-4/61
<u>Occupational and Professional Licensing</u>					
R156-1-308d	Denial of Renewal of Licensure-Classification of proceedings-Conditional Renewal During Pendency of Adjudicative Proceedings, Audit or Investigation	23295	AMD	01/04/2001	2000-23/9
R156-11a	Cosmetologist/Barber Licensing Act Rules	23260	AMD	see CPR	2000-22/5
R156-11a	Cosmetologist/Barber Licensing Act Rules	23260	CPR	03/06/2001	2001-3/79
R156-26a	Certified Public Accountant Licensing Act Rules	23296	AMD	01/04/2001	2000-23/11
R156-28	Veterinary Practice Act Rules	23309	AMD	see CPR	2000-23/15
R156-28	Veterinary Practice Act Rules	23309	CPR	03/08/2001	2001-3/80
R156-37-502	Unprofessional Conduct	23401	NSC	02/01/2001	Not Printed
R156-47b	Massage Therapy Practice Act Rules	23535	5YR	02/26/2001	2001-6/49
R156-69	Dentist and Dental Hygienist Practice Act Rules	23141	AMD	see CPR	2000-19/10
R156-69	Dentist and Dental Hygienist Practice Act Rules	23141	CPR	02/15/2001	2001-2/17
R156-73	Chiropractic Physician Practice Act Rules	23390	AMD	02/15/2001	2001-2/2
<u>Real Estate</u>					
R162-102	Application Procedures	23321	AMD	02/07/2001	2000-23/17
<b>COMMUNITY AND ECONOMIC DEVELOPMENT</b>					
<u>Community Development</u>					
R199-8	Permanent Community Impact Fund Board Review and Approval of Applications for Funding Assistance	23321	AMD	01/23/2001	2000-21/3
R199-9	Policy Concerning Enforceability and Taxability of Bonds Purchased	23575	NSC	04/01/2001	Not Printed
R199-10	Procedures in Case of Inability to Formulate Contract for Alleviation of Impact	23576	NSC	04/01/2001	Not Printed
<u>Community Development, Library</u>					
R223-2	Public Library online Access for Eligibility to receive Public Funds	23352	NEW	02/15/2001	2000-24/11
R223-2	Public Library Online Access for Eligibility to Receive Public Funds	23519	NSC	02/23/2001	Not Printed

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Indian Affairs</u>					
R230-1	Native American Grave Protection and Repatriation	23476	5YR	02/01/2001	2001-4/61
<b>CORRECTIONS</b>					
<u>Administration</u>					
R251-102	Release of Communicable Disease Information	23313	AMD	01/04/2001	2000-23/18
R251-102	Release of Communicable Disease Information	23511	5YR	02/05/2001	2001-5/40
R251-109	Sex Offender Treatment Providers	23568	5YR	03/27/2001	2001-8/86
R251-110	Sex Offender Notification	23571	5YR	03/27/2001	2001-8/87
R251-301	Employment, Education or Vocational Training for Community Correctional Center Residents	23512	5YR	02/05/2001	2001-5/40
R251-301	Employment, Educational or Vocational Training for Community Center residents	23400	AMD	03/13/2001	2001-3/8
R251-709	Transportation of Inmates	23570	5YR	03/27/2001	2001-8/87
<b>EDUCATION</b>					
<u>Administration</u>					
R277-469	Textbook Commission Operating Procedures	23426	AMD	03/06/2001	2001-3/9
R277-514	Board Procedures: Sanctions for Educator Misconduct	23546	NSC	04/01/2001	Not Printed
<b>ENVIRONMENTAL QUALITY</b>					
<u>Air Quality</u>					
R307-103-1	Scope of Rule	23442	NSC	02/01/2001	Not Printed
R307-204	Emissions Standards: Smoke Management	23139	NEW	see CPR	2000-19/14
R307-204	Emissions Standards: Smoke Management	23139	CPR	03/06/2001	2001-3/81
<u>Drinking Water</u>					
R309-150	Water System Rating Criteria	23252	AMD	01/04/2001	2000-22/33
<u>Radiation Control</u>					
R313-19	Requirements of General Applicability to Licensing of Radioactive Material	23312	AMD	01/26/2001	2000-23/19
<u>Solid and Hazardous Waste</u>					
R315-315-8	Petroleum Contaminated Soils	22858	AMD	see CPR (First)	2000-11/18
R315-315-8	Petroleum Contaminated Soils	22858	CPR (First)	see CPR (Second)	2000-17/67
R315-315-8	Petroleum Contaminated Soils	22858	CPR (Second)	01/05/2001	2000-23/58

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R317-1-3	Requirements for Waste Discharges	23164	CPR	01/23/2001	2000-24/74
R317-7	Underground Injection Control (UIC) Program	23162	AMD	see CPR	2000-19/34
R317-7	Underground Injection Control (UIC) Program	23162	CPR	01/23/2001	2000-24/75
R317-8	Utah Pollutant Discharge Elimination System (UPDES)	23161	AMD	see CPR	2000-19/40
R317-8	Utah Pollutant Discharge Elimination System (UPDES)	23161	CPR	01/23/2001	2000-24/78
<b>GOVERNOR</b>					
<u>Planning and Budget</u>					
R361-1	Rule for Implementation of the Resource Development Co-ordinating Committee Act, 1981	23408	5YR	01/11/2001	2001-3/97
<b>HEALTH</b>					
<u>Epidemiology and Laboratory Services, HIV/AIDS, Tuberculosis Control/Refugee Health</u>					
R388-804	Special Measures for the Control of Tuberculosis	23303	AMD	02/02/2001	2000-23/29
<u>Health Care Financing, Coverage and Reimbursement Policy</u>					
R414-63	Medicaid Policy for Pharmacy Reimbursement	23347	NEW	01/17/2001	2000-24/23
R414-303	Coverage Groups	23396	EMR	01/03/2001	2001-3/87
R414-303	Coverage Groups	23420	AMD	03/13/2001	2001-3/52
R414-304	Income and Budgeting	23397	EMR	01/03/2001	2001-3/89
R414-304	Income and Budgeting	23421	AMD	03/13/2001	2001-3/56
R414-305	Resources	23398	EMR	01/03/2001	2001-3/91
R414-305	Resources	23422	AMD	03/13/2001	2001-3/60
R414-309	Utah Medical Assistance Program (UMAP)	23349	AMD	01/17/2001	2000-24/24
<u>Health Care Financing, Medical Assistance Program</u>					
R420-1	Utah Medical Assistance Program	23351	AMD	01/23/2001	2000-24/28
<u>Health Systems Improvement, Emergency Medical Services</u>					
R426-2	Air Medical Services Rules	23344	AMD	01/23/2001	2000-24/32
R426-6	Emergency Medical Services Grants Program Rules	23185	AMD	01/17/2001	2000-20/27
R426-7	Emergency Medical Services Prehospital Data System Rules	23186	NEW	01/30/2001	2000-20/29
R426-8	Emergency Medical Services Per Capita Grants Program Rules	23202	NEW	01/30/2001	2000-21/14

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
<u>Health Systems Improvement, Health Facility Licensure</u>					
R432-106	Specialty Hospital-Critical Access	23292	NEW	01/23/2001	2000-23/31
R432-270	Assisted Living Facilities	23380	AMD	03/30/2001	2001-1/10
<u>Health Systems Improvement, Health Facility Licensure (Changed to Health Systems Improvement, Licensing)</u>					
R432-1	General Health Care Facility Rules	23477	NSC	04/01/2001	Not Printed
R432-2	General Licensing Provisions	23478	NSC	04/01/2001	Not Printed
R432-3	General Health Care Facility Rules Inspection and Enforcement	23479	NSC	04/01/2001	Not Printed
R432-4	General Construction	23480	NSC	04/01/2001	Not Printed
R432-5	Nursing Facility Construction	23481	NSC	04/01/2001	Not Printed
R432-6	Assisted Living Facility General Construction	23482	NSC	04/01/2001	Not Printed
R432-7	Specialty Hospital - Psychiatric Hospital Construction	23483	NSC	04/01/2001	Not Printed
R432-8	Specialty Hospital - Chemical Dependency/Substance Abuse Construction	23484	NSC	04/01/2001	Not Printed
R432-9	Specialty Hospital - Rehabilitation Construction Rule	23485	NSC	04/01/2001	Not Printed
R432-10	Specialty Hospital - Chronic Disease Construction Rule	23486	NSC	04/01/2001	Not Printed
R432-11	Orthopedic Hospital Construction	23487	NSC	04/01/2001	Not Printed
R432-12	Small Health Care Facility (Four to Sixteen Beds) Construction Rule	23488	NSC	04/01/2001	Not Printed
R432-13	Freestanding Ambulatory Surgical Center Construction Rule	23489	NSC	04/01/2001	Not Printed
R432-14	Birthing Center Construction Rule	23490	NSC	04/01/2001	Not Printed
R432-16	Hospice Inpatient Facility Construction	23491	NSC	04/01/2001	Not Printed
R432-30	Adjudication Procedure	23492	NSC	04/01/2001	Not Printed
R432-35	Background Screening	23493	NSC	04/01/2001	Not Printed
R432-100	General Hospital Standards	23494	NSC	04/01/2001	Not Printed
R432-101	Specialty Hospital - Psychiatric	23495	NSC	04/01/2001	Not Printed
R432-102	Specialty Hospital - Chemical Dependency/Substance Abuse	23496	NSC	04/01/2001	Not Printed
R432-103	Specialty Hospital - Rehabilitation	23497	NSC	04/01/2001	Not Printed
R432-104	Specialty Hospital - Chronic Disease	23498	NSC	04/01/2001	Not Printed
R432-105	Specialty Hospital - Orthopedic	23499	NSC	04/01/2001	Not Printed
R432-106	Specialty Hospital - Critical Access	23561	NSC	04/01/2001	Not Printed
R432-150	Nursing Care Facility	23500	NSC	04/01/2001	Not Printed
R432-151	Mental Disease Facility	23501	NSC	04/01/2001	Not Printed
R432-152	Mental Retardation Facility	23502	NSC	04/01/2001	Not Printed
R432-200	Small Health Care Facility (Four to Sixteen Beds)	23503	NSC	04/01/2001	Not Printed
R432-201	Mental Retardation Facility: Supplement "A" to the Small Health Care Facility Rule	23504	NSC	04/01/2001	Not Printed
R432-270	Assisted Living Facilities	23505	NSC	04/01/2001	Not Printed
R432-300	Small Health Care Facility - Type N	23506	NSC	04/01/2001	Not Printed

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R432-500	Freestanding Ambulatory Surgical Center Rules	23567	NSC	04/01/2001	Not Printed
R432-550	Birthing Centers (Five or Less Birth Rooms)	23507	NSC	04/01/2001	Not Printed
R432-600	Abortion Clinic Rule	23508	NSC	04/01/2001	Not Printed
R432-650	End Stage Renal Disease Facility Rules	23562	NSC	04/01/2001	Not Printed
R432-700	Home Health Agency Rule	23509	NSC	04/01/2001	Not Printed
R432-750	Hospice Rule	23510	NSC	04/01/2001	Not Printed
R432-950	Mammography Quality Assurance	23563	NSC	04/01/2001	Not Printed

### HUMAN SERVICES

#### Administration, Administrative Services, Licensing

R501-7	Child Placing Agencies	23121	AMD	see CPR	2000-18/65
R501-7	Child Placing Agencies	23121	CPR	01/16/2001	2000-23/59
R501-8	VII. Section C: Categorical Standards	23322	AMD	01/16/2001	2000-23/33
R501-8	Outdoor Youth Programs	23406	NSC	02/01/2001	Not Printed
R501-17	Adult Foster Care Standards	23323	AMD	01/16/2001	2000-23/39

#### Aging and Adult Services

R510-1	Authority and Purpose	23453	5YR	01/23/2001	2001-4/62
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#### Recovery Services

R527-928	Lost Checks	23389	AMD	02/15/2001	2001-2/7
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### INSURANCE

#### Administration

R590-144	Commercial Aviation Insurance Exemption From Rate and Form Filing	23582	5YR	03/30/2001	2001-8/88
R590-204	Adoption Indemnity Benefits	23378	NEW	02/09/2001	2001-1/23
R590-205	Privacy of Consumer Information Compliance Deadline	23247	NEW	01/11/2001	2000-22/35

### LABOR COMMISSION

#### Industrial Accidents

R612-1-3	Official Forms	23462	NSC	02/15/2001	Not Printed
R612-1-10	Permanent Total Disability	23223	AMD	see CPR	2000-21/18
R612-1-10	Permanent Total Disability	23223	CPR	03/20/2001	2001-1/36
R612-2-3	Filings	23463	NSC	02/15/2001	Not Printed
R612-2-5	Regulation of Medical Practitioner Fees	23464	NSC	02/15/2001	Not Printed
R612-2-5	Regulation of Medical Practitioner Fees	23548	EMR	03/08/2001	2001-7/43
R612-2-6	Fees in Cases Requiring Unusual Treatment	23465	NSC	02/15/2001	Not Printed
R612-2-11	Surgical Assistants' Fees	23466	NSC	02/15/2001	Not Printed
R612-2-16	Charges for Special or Unusual Supplies, Materials, or Drugs	23467	AMD	03/20/2001	2001-4/32
R612-2-17	Fees for Unscheduled Procedures	23468	NSC	02/15/2001	Not Printed
R612-2-22	Medical Records	23469	AMD	03/20/2001	2001-4/33

CODE REFERENCE	TITLE	FILE NUMBER	ACTION	EFFECTIVE DATE	BULLETIN ISSUE/PAGE
R612-2-23	Adjusting Relative Value Schedule (RVS) Codes	23470	NSC	02/15/2001	Not Printed
R612-2-24	Review of Medical Payments	23471	AMD	03/20/2001	2001-4/34
R612-2-26	Utilization Review Standards	23472	NSC	02/15/2001	Not Printed
R612-4	Premium Rates	23520	5YR	02/08/2001	2001-5/41
<u>Occupational Safety and Health</u>					
R614-1-4	Incorporation of Federal Standards	23372	AMD	02/01/2001	2001-1/4
R614-1-4	Incorporation of Federal Standards	23516	NSC	02/22/2001	Not Printed
<u>Safety</u>					
R616-2-3	Safety Codes and Rules for Boilers and Pressure Vessels	23310	AMD	01/03/2001	2000-23/42
R616-3-3	Safety Codes for Elevators	23473	AMD	03/20/2001	2001-4/36
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<u>Oil, Gas, and Mining; Coal</u>					
R645-100-200	Definitions	23385	AMD	04/01/2001	2001-1/25
R645-301-500	Engineering	23386	AMD	04/01/2001	2001-1/26
<u>Oil, Gas and Mining; Oil and Gas</u>					
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**ABBREVIATIONS**

AMD = Amendment	NSC = Nonsubstantive rule change
CPR = Change in proposed rule	REP = Repeal
EMR = Emergency rule (120 day)	R&R = Repeal and reenact
NEW = New rule	* = Text too long to print in <i>Bulletin</i> , or repealed text not printed in <i>Bulletin</i>
5YR = Five-Year Review	
EXD = Expired	

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Health, Health Systems Improvement, Health Facility Licensure	23292	R432-106	NEW	01/23/2001	2000-23/31
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	23478	R432-2	NSC	04/01/2001	Not Printed
	23479	R432-3	NSC	04/01/2001	Not Printed
	23480	R432-4	NSC	04/01/2001	Not Printed
	23481	R432-5	NSC	04/01/2001	Not Printed
	23482	R432-6	NSC	04/01/2001	Not Printed
	23483	R432-7	NSC	04/01/2001	Not Printed
	23484	R432-8	NSC	04/01/2001	Not Printed
	23485	R432-9	NSC	04/01/2001	Not Printed
	23486	R432-10	NSC	04/01/2001	Not Printed
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	23488	R432-12	NSC	04/01/2001	Not Printed
	23489	R432-13	NSC	04/01/2001	Not Printed
	23490	R432-14	NSC	04/01/2001	Not Printed
	23491	R432-16	NSC	04/01/2001	Not Printed
	23492	R432-30	NSC	04/01/2001	Not Printed
	23493	R432-35	NSC	04/01/2001	Not Printed
	23494	R432-100	NSC	04/01/2001	Not Printed
	23495	R432-101	NSC	04/01/2001	Not Printed
	23496	R432-102	NSC	04/01/2001	Not Printed
	23497	R432-103	NSC	04/01/2001	Not Printed
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	23499	R432-105	NSC	04/01/2001	Not Printed
	23561	R432-106	NSC	04/01/2001	Not Printed

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	23501	R432-151	NSC	04/01/2001	Not Printed
	23502	R432-152	NSC	04/01/2001	Not Printed
	23503	R432-200	NSC	04/01/2001	Not Printed
	23504	R432-201	NSC	04/01/2001	Not Printed
	23505	R432-270	NSC	04/01/2001	Not Printed
	23380	R432-270	AMD	03/30/2001	2001-1/10
	23506	R432-300	NSC	04/01/2001	Not Printed
	23567	R432-500	NSC	04/01/2001	Not Printed
	23507	R432-550	NSC	04/01/2001	Not Printed
	23508	R432-600	NSC	04/01/2001	Not Printed
	23562	R432-650	NSC	04/01/2001	Not Printed
	23509	R432-700	NSC	04/01/2001	Not Printed
	23510	R432-750	NSC	04/01/2001	Not Printed
	23563	R432-950	NSC	04/01/2001	Not Printed
<b><u>HEARINGS</u></b>					
Environmental Quality, Air Quality	23442	R307-103-1	NSC	02/01/2001	Not Printed
Professional Practices Advisory Commission	23427	R686-100	AMD	03/06/2001	2001-3/67
	23547	R686-100	NSC	04/01/2001	Not Printed
<b><u>HISTORIC PRESERVATION</u></b>					
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	23556	R865-6F-15	NSC	04/01/2001	Not Printed
<b><u>HUMAN SERVICES</u></b>					
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	23322	R501-8	AMD	01/16/2001	2000-23/33
	23406	R501-8	NSC	02/01/2001	Not Printed
	23323	R501-17	AMD	01/16/2001	2000-23/39
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	23420	R414-303	AMD	03/13/2001	2001-3/52
	23397	R414-304	EMR	01/03/2001	2001-3/89
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<b><u>INSURANCE LAW PRIVACY</u></b>					
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<b><u>INTERNET ACCESS</u></b>					
Community and Economic Development, Community Development, Library	23352	R223-2	NEW	02/15/2001	2000-24/11
	23519	R223-2	NSC	02/23/2001	Not Printed
<b><u>IMPACTED AREA PROGRAMS</u></b>					
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<b><u>LAND MANAGER</u></b>					
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	23519	R223-2	NSC	02/23/2001	Not Printed
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	23309	R156-28	AMD	see CPR	2000-23/15
	23309	R156-28	CPR	03/08/2001	2001-3/80
	23401	R156-37-502	NSC	02/01/2001	Not Printed
	23535	R156-47b	5YR	02/26/2001	2001-6/49
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	23141	R156-69	CPR	02/15/2001	2001-2/17
	23390	R156-73	AMD	02/15/2001	2001-2/2
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	23322	R501-8	AMD	01/16/2001	2000-23/33
	23406	R501-8	NSC	02/01/2001	Not Printed
	23323	R501-17	AMD	01/16/2001	2000-23/39
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	23421	R414-304	AMD	03/13/2001	2001-3/56
	23398	R414-305	EMR	01/03/2001	2001-3/91
	23422	R414-305	AMD	03/13/2001	2001-3/60
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	23548	R612-2-5	EMR	03/08/2001	2001-7/43
	23464	R612-2-5	NSC	02/15/2001	Not Printed
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<b><u>PROMOTIONS</u></b>					
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	23400	R251-301	AMD	03/13/2001	2001-3/8
<b><u>TRANSPORTATION</u></b>					
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Transportation, Program Development	23311	R926-6	AMD	01/03/2001	2000-23/55
<b><u>TRANSPORTATION CORRIDOR PRESERVATION REVOLVING LOAN FUND</u></b>					
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<b><u>TRUCKING INDUSTRIES</u></b>					
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	23556	R865-6F-15	NSC	04/01/2001	Not Printed
<b><u>TRUCKS</u></b>					
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	23573	R909-1	NSC	04/01/2001	Not Printed
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	23358	R657-17	AMD	01/16/2001	2000-24/51
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